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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EDGAR W. TUTTLE; ERIC BRAUN; THE  
BRAUN FAMILY TRUST; and WENDY  
MEG SIEGEL, on behalf of themselves and all  
other similarly situated,

Plaintiffs,

vs.

SKY BELL ASSET MANAGEMENT, LLC, et  
al.,

Defendants.

Case No. 3:10-cv-03588-WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER OF DISMISSAL WITH  
PREJUDICE**

1           WHEREAS plaintiff Edgar W. Tuttle previously moved to be appointed representative of,  
2 *inter alia*, a subclass of limited partners in Wailea Partners, LP for purposes of pursuing class  
3 claims against Defendant McGladrey & Pullen, LP (“McGladrey”); and

4           WHEREAS by Order dated October 28, 2011, this Court, *inter alia*, denied Mr. Tuttle’s  
5 motion solely with regard to certification of the subclass asserting claims against McGladrey; and

6           WHEREAS as a result of the October 28, 2011 Order, the only remaining claims in this  
7 action against McGladrey are the individual claims of Plaintiff Edgar W. Tuttle (“Tuttle’s  
8 individual claims”); and

9           WHEREAS, McGladrey and Tuttle have reached a settlement as to Tuttle’s individual  
10 claims against McGladrey only;

11           NOW, THEREFORE, THE UNDERSIGNED STIPULATE AND AGREE AS  
12 FOLLOWS:

13           Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff Tuttle’s individual claims  
14 in the above-captioned case against Defendant McGladrey only are hereby dismissed with  
15 prejudice.

16           The parties will bear their own costs and attorneys’ fees.  
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1 Dated: 12/14/11

Dated: 12/15/11

2 By: [Signature]

By: [Signature]

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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Dated: December 19, 2011.

[Signature]

William Alsup  
UNITED STATES DISTRICT JUDGE

28 STIPULATION OF DISMISSAL WITH PREJUDICE  
Case No. 3:10-cv-03588 WHA