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 COUNTY OF MARIN

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

17 COUNTY OF MARIN,  
 18 Plaintiff,  
 19 v.  
 20 DELOITTE CONSULTING LLP, SAP  
 21 AMERICA INC., SAP PUBLIC  
 22 SERVICES, INC., and ERNEST W.  
 23 CULVER,  
 24 Defendants.

Case No. C 11-00381 SI

**STIPULATION AND ORDER  
 APPOINTING REFEREE**

**STIPULATION AND ORDER APPOINTING REFEREE**

26 WHEREAS defendant Deloitte Consulting LLP (“Deloitte Consulting”) filed a motion to  
 27 have the claims asserted against it in this action reassigned to a former judicial officer (the  
 28

CV-11-381-SI

1 “Referee”) pursuant to California Code of Civil Procedure Section 638(a) and Sections 17.14(a)  
2 & (b) of the Implementation Services Agreement dated March 29, 2005 (“ISA”) between  
3 plaintiff County of Marin (the “County”) and Deloitte Consulting (collectively the “Parties”);

4 WHEREAS the County opposed the motion by Deloitte Consulting;

5 WHEREAS this Court entered an Order on September 6, 2011 granting the motion of  
6 Deloitte Consulting to reassign the claims asserted against it in this action to a Referee pursuant  
7 to California Code of Civil Procedure Section 638(a) and Sections 17.14(a) & (b) of the ISA; and

8 WHEREAS the Parties have stipulated to the appointment of The Honorable John F.  
9 Herlihy (Ret.) to serve as the Referee;

10 IT IS HEREBY ORDERED THAT:

- 11 1. The claims asserted against Deloitte Consulting in this action are reassigned to former  
12 California Superior Court Judge John F. Herlihy as Referee pursuant to Sections  
13 17.14(a) & (b) of the ISA and California Code of Civil Procedure Section 638(a) to  
14 hear and determine all issues in this action involving Deloitte Consulting, whether of  
15 fact or of law.
- 16 2. The Referee shall issue a written statement of decision including findings of fact and  
17 conclusions of law that shall be reported to the court within forty-five (45) calendar  
18 days after the matter has been submitted. The decision of the Referee shall stand as  
19 the decision of the court, and upon filing of the statement of decision with the clerk of  
20 the court, judgment may be entered thereon in the same manner as if the action had  
21 been tried by the court. The decision of the Referee may be excepted to and reviewed  
22 in like manner as if made by the court.



1 SO STIPULATED:

2 DATED: November 2, 2011

3 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

4  
5  
6 By: Mark P. Ressler  
7 Mark P. Ressler  
Attorneys for County of Marin

8 DATED: November 2, 2011

9 BINGHAM McCUTCHEN LLP

10  
11 By: Robert A. Lewis  
12 Robert A. Lewis  
13 Attorneys for Deloitte Consulting LLP

14 IT IS SO ORDERED

15  
16 DATED: \_\_\_\_\_, 2011

17  
18  
19 \_\_\_\_\_  
The Hon. Susan Illston  
United States District Court Judge