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9 *Attorneys for Defendants Frederick W. Smith;*
James L. Barksdale; John A. Edwardson;
 10 *Shirley Ann Jackson; Steven R. Loranger;*
Gary W. Loveman; R. Brad Martin; Joshua
 11 *Cooper Ramo; Susan C. Schwab; David P.*
Steiner; and Paul S. Walsh

12 *[Additional Counsel Listed on Signature Page]*

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 CHRISTOPHER LIBERTY, derivatively on
 18 behalf of FEDEX CORPORATION,

19 Plaintiff,

20 vs.

21 FREDERICK W. SMITH; JAMES L.
 BARKSDALE; JOHN A. EDWARDSON;
 22 SHIRLEY ANN JACKSON; STEVEN R.
 LORANGER; GARY W. LOVEMAN;
 23 R. BRAD MARTIN; JOSHUA COOPER
 RAMO; SUSAN C. SCHWAB; DAVID P.
 STEINER; and PAUL S. WALSH,

24 Defendants,

25 -and-

26 FEDEX CORPORATION,

27 Nominal Defendant.

Case No. 3:14-cv-03810-CRB

**JOINT STIPULATION OF VOLUNTARY
 DISMISSAL AND ORDER**

Courtroom: No. 6, 17th Floor
 Judge: Hon. Charles R. Breyer

1 Defendants Frederick W. Smith, James L. Barksdale, John A. Edwardson, Shirley Ann
2 Jackson, Steven R. Loranger, Gary W. Loveman, R. Brad Martin, Joshua Cooper Ramo, Susan C.
3 Schwab, David P. Steiner, Paul S. Walsh, and Nominal Defendant FedEx Corporation (together,
4 “Defendants”), and Plaintiff Christopher Liberty (“Plaintiff” and, together with the Defendants, the
5 “Parties”), by and through their undersigned counsel, subject to Court approval, hereby stipulate
6 and agree as follows:

7 WHEREAS, on August 21, 2014, Plaintiff filed a Shareholder Derivative Complaint for
8 Breach of Fiduciary Duty against Defendants (Dkt. No. 1) (the “Complaint”);

9 WHEREAS, Defendants filed a motion to dismiss the Complaint on November 21, 2014
10 (Dkt. No. 17), which has been fully briefed by the Parties;

11 WHEREAS, prior to the hearing on Defendants’ motion to dismiss, the Court issued an
12 Order on April 2, 2015 staying the case “[i]n light of the pending criminal matter involving the
13 same or similar series of underlying events as those alleged in this case” (Dkt. No. 34);

14 WHEREAS, the related pending criminal matter was voluntarily dismissed by the
15 Government on June 17, 2016;

16 WHEREAS, Plaintiff, through his counsel of record and pursuant to Rules 23.1(c) and 41(a)
17 of the Federal Rules of Civil Procedure, has agreed to voluntarily dismiss this action with prejudice
18 as to himself and otherwise without prejudice;

19 WHEREAS, there has been no collusion among the Parties, and neither Plaintiff nor his
20 counsel has received or will receive directly or indirectly any consideration from any Defendant for
21 the dismissal;

22 WHEREAS, the Parties shall bear their own fees and costs in connection with this action;

23 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Plaintiff, by
24 and through his counsel, and Defendants, by and through their counsel, subject to the Court’s
25 approval, that Plaintiff has voluntarily dismissed this action with prejudice as to himself.

26 IT IS SO STIPULATED.
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1 Dated: August 19, 2016

SHEARMAN & STERLING LLP

2
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12 *Loveman; R. Brad Martin; Joshua Cooper Ramo;*
13 *Susan C. Schwab; David P. Steiner; and Paul S.*
14 *Walsh*

15 FEDERAL EXPRESS CORPORATION

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