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14 Attorneys for Defendants
15 H. Ravi Brar, Susie Herrmann, and Murray Jones

16 [Additional Counsel on Signature Page]

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 SPECIAL SITUATIONS FUND III QP,
20 L.P., SPECIAL SITUATIONS CAYMAN
FUND, L.P., WOLVERINE FLAGSHIP
21 FUND TRADING LIMITED, PINE RIVER
MASTER FUND Ltd. and NISSWA
22 ACQUISITION MASTER FUND Ltd.,

23 Plaintiffs,

24 v.

25 H. RAVI BRAR, SUSIE HERRMANN and
26 MURRAY JONES

27 Defendants.

Case No. 3:14-CV-04717-SC

**NOTICE OF SETTLEMENT AND
STIPULATION AND ~~[PROPOSED]~~ ORDER
REGARDING RESPONSE TO AMENDED
COMPLAINT**

Judge: Hon. Samuel Conti

1 WHEREAS, on October 23, 2014, Plaintiffs Special Situations Fund III QP, L.P. (“SSF
2 III”), Special Situations Cayman Fund, L.P. (“SSF Cayman” and, with SSF III, “SSF”) and
3 Wolverine Flagship Fund Trading Limited (“Wolverine”) filed a complaint in the above
4 captioned action (the “Complaint”) (Dkt. 1);

5 WHEREAS, on December 12, 2014, Defendants H. Ravi Brar, Susie Herrmann, and
6 Murray Jones (collectively, “Defendants”) filed a motion to dismiss the Complaint (Dkt. 18),
7 which the parties fully briefed;

8 WHEREAS, on March 26, 2015, the Court issued an Order granting in part and denying
9 in part Defendants’ Motion to Dismiss, and allowing SSF and Wolverine to file an amended
10 complaint (the “Order” (Dkt. 29));

11 WHEREAS, on July 22, 2015, Wolverine and SSF, along with Pine River Master Fund
12 Ltd. (“Pine River”) and Nisswa Acquisition Master Fund (“Nisswa”) filed a First Amended
13 Complaint (Dkt. 34) (Pine River, Nisswa, SSF, and Wolverine are collectively referred to herein
14 as “Plaintiffs”);

15 WHEREAS, on July 7, 2015, the Court issued an Order granting a stipulation setting the
16 deadline for Defendants to file and serve their response to Plaintiffs’ amended complaint no later
17 than September 4, 2015 (Dkt. 33);

18 WHEREAS, the parties have settled the above captioned matter and have executed a
19 settlement agreement, which contemplates that Plaintiffs will fully and finally dismiss this action
20 with prejudice no later than September 28, 2015;

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties,
22 through their respective counsel, as follows:

23 1. In light of the parties’ settlement, Defendants need not presently respond to
24 Plaintiffs’ amended complaint (Dkt. 33).

25 2. The Court shall set a Case Management Conference for October 23, 2015, or such
26 date as is convenient for the Court, in the event a dismissal is not filed in advance of that date as
27 contemplated under the parties’ settlement agreement.

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Respectfully submitted,

IT IS SO STIPULATED.

Dated: September 3, 2015

COOLEY LLP
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JESSICA VALENZUELA SANTAMARIA (220934)
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/s/ Joseph B. Woodring
Joseph B. Woodring (272940)

Attorneys for Defendants
H. Ravi Brar, Susie Herrmann, and Murray Jones

Dated: September 3, 2015

LOWENSTEIN SANDLER LLP
MICHAEL J. McGAUGHEY (198617)
STEVEN M. HECHT (*appearance pro hac vice*)

/s/ Steven M. Hecht
Steven M. Hecht (*appearance pro hac vice*)

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Limited, Pine River Master Fund Ltd., and Nisswa
Acquisition Master Fund

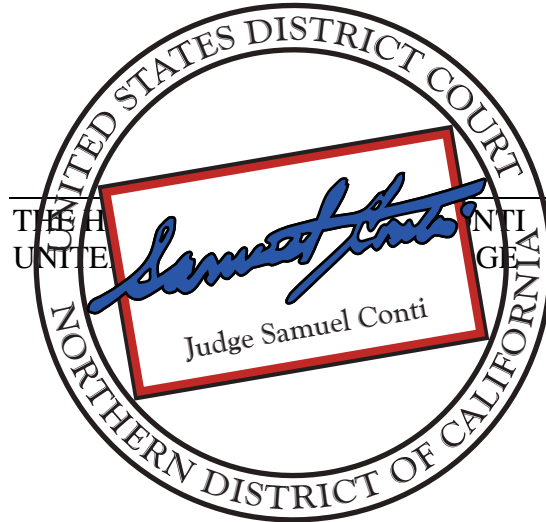
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ORDER

Pursuant to the stipulation of the parties, and light of the parties' settlement, Defendants need not presently respond to Plaintiffs' amended complaint (Dkt. 33). The Court sets a Case Management Conference for October 23, 2015, or such date as is convenient for the Court, in the event a dismissal is not filed in advance of that date as contemplated under the parties' settlement agreement.

IT IS SO ORDERED.

Dated: 09/04, 2015



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