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17
 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20

21 FORRESTSTREAM HOLDINGS LIMITED, a
 22 Cyprus company,

23 Plaintiff,

24 v.

25 GREGORY SHENKMAN (AKA GRIGORY
 26 SHENKMAN), an individual,

27 Defendant.

Case No. 3:16-cv-01609-LB

**STIPULATED ORDER FOR
 INJUNCTIVE RELIEF REGARDING
 PLEDGE OF EQUITY INTERESTS IN
 EIS GROUP LTD AND @MOSPHERE,
 LLC**

Magistrate Judge Laurel Beeler

Action Commenced March 31, 2016

28 A hearing was held in the above-captioned action (the “**Action**”) on July 21, 2016.
 Set for hearing on such date was *Plaintiff’s Motion for Default Judgment* [D.I. 27] (the “**Default Judgment Motion**”). On July 20, 2016, Defendant appeared and filed his *Motion to Vacate Entry of Default and to Set Aside Default; Request That Current Hearing Set for Entry of Default Judgment Be Continued Until After a Hearing on This Motion on the Basis of Judicial Economy* [FRCP 55, FRCP 60] [D.I. 37] (the “**Vacate Default Motion**”).

At the hearing, the parties agreed to negotiate a stipulated order concerning the pledge

1 of Defendant's direct and indirect right, title and interest in, to and under the capital stock of EIS
2 Group Ltd (the "**EIS Shares**") in favor of Plaintiff to maintain the status quo pending resolution of
3 this Action. The Parties have negotiated the terms of a stipulated order, as set forth below.

4 The Court has reviewed this Order and, based on the agreement of the Parties, and good
5 cause appearing therefor, the Court hereby orders as follows:

6 **ORDER**

7 ORDERED, Defendant hereby grants to Forreststream a security interest in all of his right,
8 title and interest in, to and under all of his EIS Shares to secure performance of Defendant's
9 obligations to Forreststream, as determined in this Action; and it is further

10 ORDERED, that Defendant hereby grants to Forreststream a security interest in all of his
11 right, title and interest in, to and under all of his membership interests (the "**@mosphere**
12 **Interests**") in @mosphere, LLC, ("**@mosphere**"), to secure performance of Defendant's
13 obligations to Forreststream, as determined in this Action; and it is further

14 ORDERED, that Defendant shall instruct and/or direct, as the case may be, to the fullest
15 extent possible under the @mosphere operating agreement and other corporate documents
16 (including by taking all limited liability company actions within his power necessary to cause)
17 @mosphere to pledge within ten (10) days of the entry of this Order to Forreststream all of its right,
18 title and interest in and to the shares of EIS Stock that it holds for Defendant to secure performance
19 of Defendant's obligations to Forreststream, as determined in this Action; and it is further

20 ORDERED, that absent further order of the Court, Defendant shall not and is hereby
21 expressly enjoined from transferring, assigning, pledging, hypothecating, encumbering, or
22 otherwise impairing his direct or indirect interest in the EIS Shares and @mosphere Interests.
23 Further, Defendant shall take all actions required to assure that @mosphere does not transfer,
24 assign, pledge, hypothecate, encumber, or otherwise impair his indirect interest in the EIS Shares
25 held by @mosphere for his benefit; and it is further

26 ORDERED, that within three (3) business days of entry of this Order Defendant shall do all
27 of the following: (a)(i) inform @mosphere that his interest in the @mosphere Interests has been
28 pledged pursuant to this Order, and (ii) instruct @mosphere to record such pledge in its books and

1 records, and (b)(i) inform EIS Group Ltd that his interest and the interest of @mosphere in the EIS
2 Shares has been pledged to Forreststream under the terms of this Order, and (ii) instruct EIS Group
3 ltd. to record such pledge in its books and records; and it is further

4 ORDERED, that absent further order of the Court, Forreststream shall exercise no secured
5 creditor remedies in respect of the pledge of the @mosphere Interests or the EIS Shares set forth
6 herein. For the avoidance of doubt, nothing herein shall constrain Forreststream in the prosecution
7 of this Action nor in seeking to perfect, maintain, or otherwise protect the security interest granted
8 pursuant to this Order; and it is further


9 ORDERED, that the Vacate Default Motion shall be heard on August 11, 2016 at 9:30 a.m.
10 before the Court and that, if the Vacate Default Motion is denied, the Default Judgment Motion
11 shall be heard immediately thereafter; and it is further

12 ORDERED, that Defendant shall file any further declarations and/or supporting arguments
13 or authorities in support of his Vacate Default Motion by Wednesday July 27, 2016; that Plaintiff
14 shall file its opposing papers and declarations by Monday August 8, 2016, that Defendant shall file
15 his reply, if any, by August 10, 2016.

16 ORDERED, that the Court shall maintain jurisdiction to enforce the terms of this Order.

17 **IT IS SO ORDERED**

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19 Date: July 26, 2016

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22 Magistrate Judge Laurel Beeler
23 U.S. District Court, Northern District of
24 California
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ACKNOWLEDGED AND AGREED:

WHITE & CASE LLP

By: /s/ Roberto J. Kampfner
Roberto J. Kampfner
Attorneys for Plaintiff

LAW OFFICES OF WALTER C. COOK

By: /s/ Walter C. Cook
Walter C. Cook
Attorneys for Defendant

Pursuant to Civil L.R. 5-1(i)(3), I, Roberto J. Kampfner, attest that Walter Cook authorized me to electronically sign his name and file the above Stipulation via email received on July 25, 2016 at 12:17 pm.

By: /s/ Roberto J. Kampfner