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 16 **IN THE UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 **UNITED STATES OF AMERICA** *ex rel.*)
 19 **RICHARD WILSON and CHRIS**)
MARANTO,)
 20)
 21 Plaintiff,)
 22 vs.)
 23 **MAXXAM INC.,** a Delaware corporation;)
et al.,)
 24)
 25 Defendants.)
 26)
 27)
 28)

Case No. C 06-7497 CW
**STIPULATION AND ORDER TO
 ALLOW THE UNITED STATES
 DISTRICT COURT, NORTHERN
 DISTRICT OF CALIFORNIA, TO
 APPROVE SETTLEMENT OF STATE
 OF CALIFORNIA EX REL. RICHARD
 WILSON AND CHRIS MARANTO V.
 MAXXAM INC., ET AL.**
**Place: Courtroom 2 (4th
 Floor)**
Judge: Hon. Claudia Wilken
Complaint Filed: December 7, 2006
Trial Date: April 20, 2009



STIPULATION AND ORDER TO ALLOW THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, TO APPROVE SETTLEMENT OF STATE OF CALIFORNIA EX REL. RICHARD WILSON AND CHRIS MARANTO V. MAXXAM INC., ET AL. – CASE NO. C-06-7497 CW

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TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

IT IS HEREBY STIPULATED by and between *Qui Tam* Plaintiffs on behalf of the State of California and their respective counsel of record, Philip L. Gregory of Cotchett Pitre & McCarthy and Defendants Maxxam, Inc. and Charles Hurwitz (“Defendants”), and their respective counsel of record, Andrew Mulbach of Morrison & Foerster, that:

1. WHEREAS, the action entitled *United States ex rel. Richard Wilson and Chris Maranto v. Maxxam Inc., et al.*, N.D. Cal. Case No. 06-7497 (the “Federal Action”), was settled on April 28, 2009, and the terms of the settlement were entered into the record before this Court on April 29, 2009;
2. WHEREAS, the action entitled *State of California ex rel. Richard Wilson and Chris Maranto v. Maxxam Inc., et al.*, Superior Court of California, County of San Francisco, Case No. CGC-458581 (the “State Action”), was also settled on April 28, 2009, and the terms of the settlement were entered into the record before this Court on April 29, 2009;
3. WHEREAS, the State of California, *Qui Tam* Plaintiffs and Defendants wish to have the State Action resolved at the same time as the Federal Action by this Court;
4. WHEREAS, the State Action was dismissed by the Superior Court and is therefore currently pending in the California Court of Appeal, not the Superior Court;
5. WHEREAS, Plaintiffs on behalf of themselves and the State of California have agreed to file a Request for Dismissal with Prejudice with the California Court of Appeals;
6. WHEREAS, the State of California has no objection to the proposed terms of the settlement of the State Action, the proposed *qui tam* share, or this Court making the findings called for by California Government Code Sections 12652(c)(1) and (g) and allocating the proceeds pursuant to the [Proposed] Order Granting

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Plaintiffs' Request for Dismissal of Case with Prejudice and Award of Relators' Fees. (See Exhibit 1 to the Declaration of Philip L. Gregory In Support of Plaintiffs' Request for Dismissal of Case with Prejudice and Award of Relators' Fees filed May 8, 2009.)

Now therefore, pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED that:

- 1. This Court shall have jurisdiction to review and approve the terms of settlement of the State Action under California Government Code Section 12652(c)(1); and
- 2. This Court shall have jurisdiction to grant an award to Relators for their procurement of settlement of the State Action pursuant to California Government Code Section 12652(g).
- 3. This Court shall have jurisdiction to enter the [Proposed] Order Granting Plaintiffs' Request for Dismissal of Case with Prejudice and Award of Relators' Fees.

The parties respectfully request that the Court approve this stipulation.

Dated: May 8, 2009

COTCHETT, PITRE & McCARTHY

/s/ Philip L. Gregory
Philip L. Gregory
Attorneys for *Qui Tam* Plaintiffs Richard Wilson
and Chris Maranto

Dated: May 8, 2009

MORRISON & FOERSTER

/s/ Andrew Mulbach
Philip L. Gregory
Attorneys for Defendants Maxxam, Inc. and
Charles Hurwitz

I, Philip L. Gregory, am the ECF user whose ID and password is being used to file this Joint Statement. In compliance with General Order 45, X, B., I hereby attest that Andrew Mulbach has concurred with this filing.



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ORDER

Pursuant to stipulation of the parties, IT IS SO ORDERED.

5/19/09



Dated: _____

HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE