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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES A. NEWBOLD, individually and on)
behalf of all others similarly situated,)
)
Plaintiff,)

Case No. 10-cv-04271-CW

v.)

**STIPULATION AND ORDER
FOR DISMISSAL WITHOUT
PREJUDICE**

THOMAS LACEY, JEFFREY SMITH,)
RICHARD NOLING, DAVE FULLER,)
DOUGLAS BARNETT, MITCHELL)
TUCHMAN, EDWARD TERINO,)
KENNETH TRAUB, PATRICK LITTLE,)
PHOENIX TECHNOLOGIES LTD.,)
PHARAOH ACQUISITION CORP. and)
PHARAOH MERGER SUB CORP.,)

Class Action

Defendants.

1 **STIPULATION**

2 WHEREAS, Plaintiff wishes to dismiss this action without prejudice, and

3 WHEREAS, all Defendants are willing to stipulate to the dismissal of the action without
4 prejudice, and

5 WHEREAS, no consideration is being given by Defendants to Plaintiff for said dismissal,

6 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between all
7 parties to this action, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that the action shall be dismissed
8 without prejudice, with each party to bear its own costs, expenses and attorneys' fees.

9 **IT IS SO STIPULATED.**

10 Dated: December 29, 2010

BRAMSON, PLUTZIK, MAHLER &
BIRKHAUSER, LLP

11 _____
12 /s/
Alan R. Plutzik

13 Alan R. Plutzik (Bar No. 077785)
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20 Attorneys for Plaintiff

21 DATED: December 29, 2010

WILSON SONSINI GOODRICH & ROSATI

22 _____
23 /s/
Boris Feldman

24 Boris Feldman (Bar No. 128838)
Bahram Seyedin-Noor (Bar No. 203244)
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26 Attorneys for Defendants Thomas Lacey, Jeffrey
27 Smith, Richard Noling, Dave Fuller, Douglas Barnett,
Mitchell Tuchman, Edward Terino, Kenneth Traub,
28 Patrick Little and Phoenix Technologies Ltd.

1 DATED: December 29, 2010

LATHAM & WATKINS LLP

2
3 /s/

Patrick E. Gibbs

4 Patrick E. Gibbs (Bar No. 183174)
5 John C. Tang (Bar No. 212371)
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11 Attorneys for Defendants Pharaoh Acquisition Corp.
12 and Pharaoh Merger Sub Corp.

13 **Attestation Pursuant To General Order 45**

14 I, Alan R. Plutzik, attest that concurrence in the filing of this document has been obtained
15 from the other signatories. I declare under penalty of perjury under the laws of the United States
16 that the foregoing is true and correct. Executed this 29th day of December, 2010 at Walnut Creek,
17 California.

18 /s/ Alan R. Plutzik

19 **ORDER**

20 Pursuant to Stipulation, IT IS SO ORDERED.

21 Dated: 1/3/2011

22 
23 United States District Judge