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17 *Attorneys for Defendants DISH Network Corporation,*
 18 *DISH Network LLC, and EchoStar Technologies LLC*

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **OAKLAND DIVISION**

22 NANSEE PARKER and PHONG PHAM,
 23 Plaintiffs,
 24 vs.
 25 DISH NETWORK CORPORATION, DISH
 26 NETWORK LLC, and ECHOSTAR
 27 TECHNOLOGIES LLC,
 28 Defendants.

Case No. 4:11-CV-01457-PJH

**STIPULATION DISMISSING WITHOUT
 PREJUDICE DEFENDANTS DISH
 NETWORK CORPORATION AND
 ECHOSTAR TECHNOLOGIES, LLC AND
 TOLLING STATUTES OF LIMITATIONS**

**STIPULATION DISMISSING WITHOUT PREJUDICE AND TOLLING STATUTES OF
 LIMITATIONS AND PROPOSED ORDER
 CASE NO. 4:11-CV-01457-PJH**

1 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs hereby voluntarily
2 dismiss without prejudice Defendants DISH Network Corporation (“DISH Corporation”) and EchoStar
3 Technologies LLC (“EchoStar”) (collectively and together with Plaintiffs, the “Parties”). The Parties
4 further stipulate that the statutes of limitations applicable to Plaintiffs’ Claims against DISH Corporation
5 and EchoStar hereby will be tolled as of May 11, 2011 (the “Tolling Date”). The “Claims” are those
6 stated in Plaintiffs’ Complaint, filed on March 25, 2011 against DISH Corporation, EchoStar and DISH
7 Network L.L.C. Any and all tolling of the applicable statutes of limitations will cease upon the earliest
8 of (a) a final adverse determination of class claims; (b) the effective date of any final, approved class
9 action settlement; (c) thirty days after the date upon which Plaintiffs must file their Motion for Class
10 Certification; or (d) at the latest, one year from the Tolling Date, namely May 11, 2012.

11 Nothing in this agreement shall be construed as a waiver of EchoStar’s or DISH Corporation’s
12 right to file any response to the Complaint or challenge any other amended or supplemental pleading or
13 any class certification motion pursuant to the Federal Rules of Civil Procedure should Plaintiffs attempt
14 to bring these defendants back into the litigation. Defendants Echostar and DISH Corporation reserve
15 all rights and defenses, asserted or unasserted, which it had as of the Tolling Date, and none of the
16 Parties shall assert that the passage of time between the Tolling Date and any filing which purports to
17 bring DISH Corporation or EchoStar back into this litigation is a defense to the motion, such as a delay,
18 laches or waiver argument. The Parties acknowledge and agree that this Stipulation shall not operate to
19 extend or otherwise affect any applicable statute of limitations, laches, or any other time period
20 (including any requisite notice period), if any, that expired prior to the Tolling Date.

21 This Agreement was jointly drafted by the Parties hereto and shall not be construed against a
22 particular party. Each individual signing below warrants and represents that he or she has authority to
23 sign this Agreement on behalf of the Party.

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1 **IT IS SO STIPULATED**

2 DATED: May 11, 2011

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3
4 By: _____ /s/ Eric H. Gibbs

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24 *Attorneys for Plaintiffs Nansee Parker and Phong Pham*

25 DATED: May 11, 2011

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IT IS SO ORDERED.

DATED: 5/12/11

Judge Phyllis J. Hamilton

