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Belinda Stronach, Donald Walker, Ted
Robertson, Kevin Pavlov, Adam Waldman,
and Magna E-Car Systems L.P.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

A TRULY ELECTRIC CAR COMPANY,

Plaintiff,

v.

FRANK STRONACH, BELINDA
STRONACH, DONALD WALKER, TED
ROBERTSON, KEVIN PAVLOV, ADAM
WALDMAN, MAGNA ELECTRONICS,
INC., MAGNA E-CARS SYSTEMS L.P.,
JANE DOES 1-10 and JOHN DOES 1-10,

Defendants.

Case No. 4:11-cv-6578-YGR

**JOINT STIPULATION AND ORDER TO
STAY PROCEEDINGS PENDING
RESOLUTION OF APPEAL BEFORE THE
U.S. COURT OF APPEALS FOR THE
NINTH CIRCUIT**

1 WHEREAS, on September 30, 2011, the plaintiff A Truly Electric Car Company ("ATECC")
2 initiated this lawsuit in Superior Court of the State of California, County of San Mateo, in Case No.
3 CIV-508788; and

4 WHEREAS, on December 21, 2011, defendants Frank Stronach, Belinda Stronach, Don
5 Walker, Ted Robertson, Kevin Pavlov, Adam Waldman, and Magna E-Car Systems L.P.
6 (collectively, "Defendants") filed with this Court a "Notice of Removal of Action Under 28 U.S.C.
7 §§ 1332, 1441 and 1446 (Diversity)" (*see* Dkt. No. 1); and

8 WHEREAS, on December 21, 2011, Defendants simultaneously filed "Defendants' Motion:
9 (1) To Stay Pending Decision by the Ninth Circuit in a Related Case; (2) In the Alternative, to
10 Dismiss Under Fed. R. Civ. P. 41; or (3) to Dismiss for Lack of Personal Jurisdiction – Fed. R. Civ.
11 P. 12(b)(2) and Res Judicata; or (4) to Transfer Venue Under 28 U.S.C. § 1404(a)" (*see* Dkt. No. 13)
12 (hereinafter, "Motion"); and

13 WHEREAS the parties agree that the instant proceedings should be stayed pending resolution
14 of *Durney v. Magna Int'l, Inc.*, 2011 U.S. Dist. LEXIS 47780 (N.D. Cal. May 3, 2011), *appeal*
15 *docketed*, No. 11-16402 (9th Cir. Jun. 3, 2011) (the "Ninth Circuit Appeal");

16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

- 17 1. The instant proceedings, and any responses to pending motions or other papers, are
18 stayed pending resolution of the Ninth Circuit Appeal.
- 19 2. During the stay period, ATECC (including any other parties or individuals owned or
20 controlled by, or affiliated with ATECC) will not initiate any claims against the
21 Defendants or their past and/or present affiliated corporations, subsidiaries, parents,
22 employees, officers, directors, shareholders, agents, attorneys, assignees, insurers,
23 successors or predecessors-in-interest.
- 24 3. Upon a decision in the Ninth Circuit Appeal, ATECC shall have thirty (30) days
25 from the date of such decision to file any motion to remand in this case, and
26 Defendants waive any objection to the timeliness of any argument made by ATECC
27 in any such motion to remand.

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4. Upon a decision in the Ninth Circuit Appeal, Defendants shall re-notice their Motion pursuant to Northern District of California Civil Local Rule 7-2.
5. Plaintiff waives any objection to the timeliness of any objections or challenges that the Defendants may assert to the Complaint or action within thirty (30) days from the decision in the Ninth Circuit Appeal, including through amended answer(s), motion(s), or other response to the Complaint or action.
6. Each party shall bear their own costs and fees associated with preparing this stipulation in the instant case.

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SO STIPULATED.

DATED: January 9, 2012

By: /s/ Edward G. Durney

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Counsel for Plaintiff
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DATED: January 9, 2012

By: /s/ Bryan K. Anderson

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Counsel for Defendants
Frank Stronach, Belinda Stronach, Don
Walker, Ted Robertson, Kevin Pavlov,
Adam Waldman, and Magna E-Car Systems
L.P.

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

/s/ Aaron R. Bleharski
Aaron R. Bleharski

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ORDER

After considering the stipulation presented to the Court, and good cause therefore appearing, IT IS HEREBY ORDERED.

Dated: February 15, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE