

1 MICHAEL L. TRACY, Bar No. 237779  
 2 [mtracy@michaeltracylaw.com](mailto:mtracy@michaeltracylaw.com)  
 3 LAW OFFICES OF MICHAEL TRACY  
 4 2030 Main Street, Suite 1300  
 5 Irvine, CA 92614  
 6 Telephone: 949.260.9171  
 7 Facsimile: 866.365.3051

8 Attorneys for Plaintiff KEVIN WELLMAN

9 ARTHUR M. EIDELHOCH, Bar No. 168096  
 10 aeidelhoch@littler.com  
 11 GALEN M. LICHTENSTEIN, Bar No. 251274  
 12 glichtenstein@littler.com  
 13 LITTLER MENDELSON, P.C.  
 14 650 California Street  
 15 20th Floor  
 16 San Francisco, California 94108.2693  
 17 Telephone: 415.433.1940  
 18 Facsimile: 415.399.8490

19 Attorneys for Defendants  
20 OPLINK COMMUNICATIONS, INC., and KOCH  
21 INDUSTRIES, INC

DANIEL A. CROLEY, Bar No. 154386  
 dcroley@fddcm.com  
 FUTTERMAN DUPREE DODD  
 CROLEY LLP  
 180 Sansome St., 17th Floor  
 San Francisco, CA 94104  
 Telephone: 415.399.3845  
 Facsimile: 415.399.3838

Attorneys for Defendant JOE LIU

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

KEVIN WELLMAN, AN INDIVIDUAL,  
 Plaintiff,

v.

OPLINK COMMUNICATIONS, INC., A  
 DELAWARE CORPORATION; KOCH  
 INDUSTRIES, INC., AN UNKNOWN  
 BUSINESS ENTITY; JOE LIU, AN  
 INDIVIDUAL,  
 Defendants.

Case No. 3:15-CV-00156-JSW

**STIPULATION TO DISMISS  
 DEFENDANT KOCH INDUSTRIES, INC.  
 AND ~~PROPOSED~~ ORDER**

Complaint Filed: January 12, 2015  
 Trial Date: None set

(NO. 3:15-CV-00156-JSW)

**STIPULATION TO DISMISS  
 DEFENDANT KOCH INDUSTRIES,  
 INC.**

**STIPULATION**

IT IS HEREBY STIPULATED by and between Plaintiff Kevin Wellman, Defendant Oplink Communications, Inc., Defendant Koch Industries, Inc., and Defendant Joe Liu, through their designated counsel of record, that Defendant Koch Industries, Inc. shall be, and hereby is, dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Koch Industries, Inc. has not filed a counterclaim. Koch Industries, Inc. shall bear its own costs and attorneys' fees.

**IT IS SO STIPULATED.**

Dated: February 23, 2015

/s/ Michael L. Tracy<sup>1</sup>  
MICHAEL L. TRACY  
LAW OFFICES OF MICHAEL TRACY  
Attorney for Plaintiff  
KEVIN WELLMAN

Dated: February 23, 2015

/s/ Arthur M. Eidelhoch  
ARTHUR M. EIDELHOCH  
GALEN M. LICHTENSTEIN  
LITTLER MENDELSON  
Attorneys for Defendants  
OPLINK COMMUNICATIONS, INC. AND  
KOCH INDUSTRIES, INC.

Dated: February 23, 2015

/s/ Daniel A. Croley<sup>2</sup>  
DANIEL A. CROLEY  
FUTTERMAN DUPREE DODD CROLEY  
MAIER LLP  
Attorneys for Defendant  
JOE LIU

<sup>1</sup> On February 23, 2015, counsel for Plaintiff Kevin Wellman communicated with counsel for Defendants Oplink Communications, Inc. and Koch Industries, Inc. via email, granting permission to file this Stipulation on his behalf. Attached as Exhibit A is the email in which such permission was granted.

<sup>2</sup> On February 23, 2015, counsel for Defendant Joe Liu communicated with counsel for Defendants Oplink Communications, Inc. and Koch Industries, Inc. via email, granting permission to file this Stipulation on his behalf. Attached as Exhibit B is the email in which such permission was granted.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this STIPULATION TO DISMISS is entered in this Action, and Defendant Koch Industries, Inc. is hereby DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**

Dated: February 23, 2015

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Court Judge

# **EXHIBIT A**

**Becerra, Susan A.**

---

**From:** Michael Tracy <mtracy@michaeltracylaw.com>  
**Sent:** Monday, February 23, 2015 11:16 AM  
**To:** Lichtenstein, Galen M.  
**Cc:** Eidelhoch, Arthur M.  
**Subject:** RE: Wellman v. Oplink, et al. - Stipulation for Dismissal of Koch Industries

Yes, this is fine to file.

---

**From:** Lichtenstein, Galen M. [<mailto:GLichtenstein@littler.com>]  
**Sent:** Friday, February 20, 2015 3:19 PM  
**To:** Michael Tracy  
**Cc:** Eidelhoch, Arthur M.  
**Subject:** Wellman v. Oplink, et al. - Stipulation for Dismissal of Koch Industries

Mr. Tracy-

Please find attached a draft stipulation to dismiss Defendant Koch Industries, Inc., without prejudice. Please confirm whether this stipulation is satisfactory, and whether we may affix your electronic signature for filing.

Thanks,  
Galen Lichtenstein

**Galen Lichtenstein**, Associate  
415.399.8486 direct 415.743.6636 fax [GLichtenstein@littler.com](mailto:GLichtenstein@littler.com)  
650 California Street, 20th Floor | San Francisco, CA 94108-2693

**Littler** | [littler.com](http://littler.com)  
Employment & Labor Law Solutions Worldwide

----

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply email and delete all copies of this message.

Littler Mendelson, P.C. is part of the international legal practice Littler Global, which operates worldwide through a number of separate legal entities. Please visit [www.littler.com](http://www.littler.com) for more information.

# **EXHIBIT B**

**Becerra, Susan A.**

---

**From:** Croley, Dan <DCroley@FDDCM.com>  
**Sent:** Monday, February 23, 2015 9:01 AM  
**To:** Lichtenstein, Galen M.  
**Cc:** Eidelhoch, Arthur M.  
**Subject:** RE: Wellman v. Oplink, et al. - Stipulation to Dismiss Koch Industries, Inc.

Hi Galen,

Thanks. Yes, I stipulate to it being filed and your inserting the /S/ signature for me.

Best, Dan



FUTTERMAN DUPREE  
DODD CROLEY MAIER<sup>LLP</sup>

**Daniel A. Croley | Attorney**  
Labor and Employment and Litigation  
**Futterman Dupree Dodd Croley Maier LLP**

**visit** 180 Sansome Street, 17th Floor  
San Francisco, CA 94104  
**direct** 415 399 3845  
**cell** 650 867 0197  
**fax** 415 399 3838  
**view** www.fddcm.com

Notice: This electronic mail transmission may constitute an attorney-client communication that is privileged by law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail. To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

---

**From:** Lichtenstein, Galen M. [<mailto:GLichtenstein@littler.com>]  
**Sent:** Friday, February 20, 2015 3:21 PM  
**To:** Croley, Dan  
**Cc:** Eidelhoch, Arthur M.  
**Subject:** Wellman v. Oplink, et al. - Stipulation to Dismiss Koch Industries, Inc.

Mr. Croley-

Please find attached a draft stipulation to dismiss Defendant Koch Industries, Inc., without prejudice. Please confirm whether this stipulation is satisfactory, and whether we may affix your electronic signature for filing. We have sent a draft to Mr. Tracy as well.

Thanks,  
Galen Lichtenstein

**Galen Lichtenstein**, Associate  
415.399.8486 direct 415.743.6636 fax GLichtenstein@littler.com  
650 California Street, 20th Floor | San Francisco, CA 94108-2693

**Littler** | littler.com  
Employment & Labor Law Solutions Worldwide  
----

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply email and delete all copies of this message.

Littler Mendelson, P.C. is part of the international legal practice Littler Global, which operates worldwide through a number of separate legal entities. Please visit [www.littler.com](http://www.littler.com) for more information.