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7 Attorneys for Plaintiffs

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 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN JOSE DIVISION**

13 EDWARD L. SCARFF, et al.,  
 14 Plaintiffs,  
 15 v.  
 16 COMPUTING RESOURCES, INC., et al.  
 17  
 18 Defendants.

Case numbers C 03-03394 JF (PVT)  
 C 03-04829 JF (PVT)

**STIPULATION AND [PROPOSED]  
 ORDER REGARDING PARTIES AND  
 CLAIMS**

**Trial Date: January 29, 2010**

1 WHEREAS, Defendants have moved for Partial Summary Judgment and those motions  
2 are currently set for hearing on January 8, 2010;

3 WHEREAS, Plaintiffs have determined to remove certain parties and claims in order to  
4 streamline this matter for trial.

5 WHEREAS, Defendants agree to the removal of such parties and claims in order to  
6 streamline this matter for trial.

7 WHEREAS, the parties request that this Court enter an order in conformance with this  
8 Stipulation in order to streamline this matter for trial.

9 NOW THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

- 10 1. With respect to Nancy V. Scarff, her claims are dismissed with prejudice.
- 11 2. All remaining Plaintiffs hereby dismiss with prejudice the Fourth Cause of  
12 Action, for conversion.
- 13 3. The dismissal by Nancy V. Scarff of her claims, and the dismissal by all plaintiffs  
14 of the conversion claim pursuant to this Stipulation shall not trigger any entitlement to recover  
15 costs or fees. The determination of entitlement to prevailing party costs shall be reserved until  
16 the conclusion of the case.

17 Dated: December 17, 2009 COTCHETT, PITRE & McCARTHY  
18  
19 /s/ Philip L. Gregory  
20 PHILIP L. GREGORY  
Attorneys for Plaintiffs

21 Dated: December 17, 2009 COBLENTZ, PATCH, DUFFY & BASS, LLP  
22  
23 /s/ Jonathan R. Bass  
24 JONATHAN R. BASS  
25 Attorneys for Defendants Intuit Inc.,  
26 Computing Resources, Inc., and Lisa  
27 Ciccotti  
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1 Dated: December 17, 2009

GAVIN & CUNNINGHAM

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/s/ William H. Gavin  
WILLIAM H. GAVIN  
Attorneys for Defendant Kelly Hvegholm

*I, Joseph C. Wilson, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. Pursuant to General Order 45, I hereby attest that Jonathan R. Bass and William H. Gavin have concurred in this filing.*

**~~[PROPOSED]~~ ORDER**

Pursuant to the stipulation of counsel, and good cause appearing, IT IS HEREBY ORDERED that:

- 1. With respect to Nancy V. Scarff, her claims are dismissed with prejudice.
- 2. All remaining Plaintiffs hereby dismiss with prejudice the Fourth Cause of Action, for conversion.
- 3. The dismissal by Nancy V. Scarff of her claims, and the dismissal by all plaintiffs of the conversion claim pursuant to this Stipulation shall not trigger any entitlement to recover costs or fees. The determination of entitlement to prevailing party costs shall be reserved until the conclusion of the case.

Date: December 18, 2009

  
HON. JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE