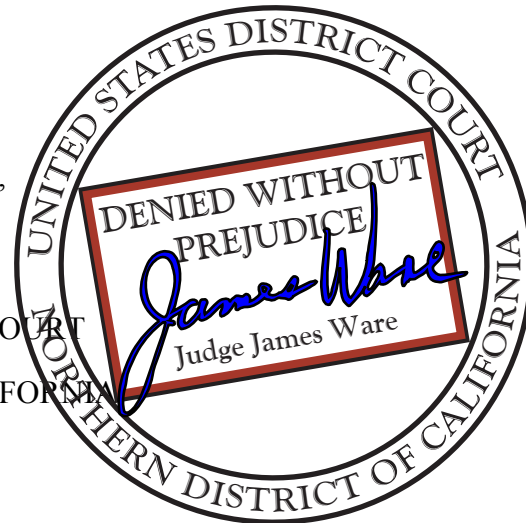


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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION



CARRAMERICA REALTY CORPORATION,
 a Maryland real estate investment trust,

Plaintiff,

v.

NVIDIA CORPORATION, et al.,

Defendants.

CV 05-00428 JW

**STIPULATION AND [PROPOSED] ORDER
 RE-SCHEDULING: HEARING ON
 DEFENDANT NVIDIA'S MOTION TO
 DISMISS CARRAMERICA'S FOURTH
 AMENDED COMPLAINT, MOTION FOR
 RULE 11 SANCTIONS AND MOTION TO
 STRIKE; HEARING ON PLAINTIFF
 CARRAMERICA'S MOTION FOR ORDER
 CONFIRMING FILING OF FIFTH AMENDED
 COMPLAINT OR ALTERNATIVELY FOR
 LEAVE TO FILE FIFTH AMENDED
 COMPLAINT; CASE MANAGEMENT
 CONFERENCE**

**Room: 8
 Judge: The Hon. James Ware**

STIPULATION

WHEREAS on July 7, 2009, this Court entered an Order After Hearing [the “Order”] setting a hearing on NVIDIA’s anticipated Motion to Dismiss CarrAmerica’s Fourth Amended Complaint for November 2, 2009 at 9:00 a.m., and setting a further Case Management Conference for 10:00 a.m.

WHEREAS on August 10, 2009 CarrAmerica filed and served its Fourth Amended Complaint pursuant to the Court’s Order.

WHEREAS on September 4, 2009 NVIDIA served (but did not file) a Motion for Sanctions Under Fed.R.Civ.Pro. Rule 11 on CarrAmerica.

WHEREAS on September 25, 2009, NVIDIA filed and served its Motion to Dismiss CarrAmerica’s Fourth Amended Complaint noticed for November 2, 2009, pursuant to the Court’s Order.

WHEREAS on September 25, 2009, CarrAmerica filed and served a document which it titled “Fifth Amended Complaint.”

WHEREAS on September 28, 2009, NVIDIA filed and served its Motion for Sanctions Under Fed.R.Civ.Pro. Rule 11 and a Motion to Strike CarrAmerica’s Fifth Amended Complaint, with both motions noticed for November 2, 2009.

WHEREAS on October 1, 2009, CarrAmerica filed and served a Motion for Order Confirming Filing of Fifth Amended Complaint, or Alternatively For Leave to File Fifth Amended Complaint, noticed for November 9, 2009.

WHEREAS on October 4, 2009, counsel for CarrAmerica notified counsel for NVIDIA that his mother was terminally ill and *in extremis*, and that counsel would therefore be unable to meet the current briefing schedule.

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1 NOW THEREFORE the parties hereby agree and stipulate as follows:

- 2 1. The parties are available on December 14, 2009 and request a rescheduled hearing
3 on all of the above listed motions on that date at 9:00 a.m.
- 4 2. The parties further request a rescheduled Case Management Conference be set on
5 for December 14, 2009 at 10:00 a.m.
- 6 3. The parties shall re-notice their respective motions accordingly.

7 **SO STIPULATED.**

8 Dated: October 5, 2009

9 By: /s/ Karen Johnson-McKewan
Karen Jonson-McKewan
10 ORRICK HERRINGTON & SUTCLIFFE LLP
Counsel for the NVIDIA Defendants

11 *I hereby attest that I have on file all holograph signatures for any signatures indicated by a*
12 *"conformed" signature (/s/) within this efiled document*

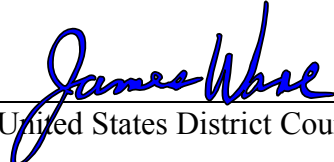
13 Dated: October 6, 2009

14 By: /s/ Dwight C. Donovan
Dwight C. Donovan
15 MBV LAW LLP
Attorneys for CarrAmerica Realty Corp.

16 **IT IS SO ORDERED:**

17 The Stipulation is DENIED the Court's calendar would be impacted by this continuance. The
18 hearing for the noticed motions remain on calendar for November 2, 2009 at 9:00 AM. The
19 Court advances the Motion for Leave to File a Fifth Amended Complaint (Docket Item No.
20 216) from November 9, 2009 to November 2, 2009.

21 Dated: October 19, 2009

22 
United States District Court Judge