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26 Attorneys for Plaintiff
 27 David Ho

28 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DAVID HO, on behalf of himself and
 all others similarly situated and on
 behalf of the general public, and
 DOES # 1-20,

Case No. CV05-4867 RMW (HRL)

Plaintiffs,

**JOINT STIPULATION RE:
 WITHDRAWAL OF DEFENDANT'S
 BILL OF COSTS**

v.

ERNST & YOUNG LLP,

Defendant.

1 Plaintiff David Ho ("Plaintiff") and Defendant Ernst & Young LLP ("Defendant")
2 (collectively, the "Parties") through their attorneys of record, hereby agree and stipulate
3 as follows:

4 WHEREAS, the Court entered Judgment in favor of Defendant on December 17,
5 2012;

6 WHEREAS, Defendant filed a Bill of Costs on December 28, 2012;

7 WHEREAS, Plaintiff filed a Notice of Appeal on December 4, 2012 (the
8 "Appeal");

9 WHEREAS, the Parties have reached an agreement resolving the matters raised
10 in, and contemplating the withdrawal of, the Bill of Costs, and the Appeal;

11 WHEREAS, Defendant therefore wishes to withdraw the Bill of Costs with
12 prejudice, contingent on Plaintiff dismissing his Appeal with prejudice within fourteen
13 (14) calendar days of the Court's entry of its Order hereon.

14 THEREFORE, the parties STIPULATE AND AGREE:

15 (1) Defendant's Bill of Costs shall be withdrawn with prejudice and such costs
16 shall not hereafter be asserted to be costs for which Defendants may recover, subject to
17 Defendant having the right to revive the Bill of Costs if Plaintiff does not dismiss his
18 Appeal with prejudice within fourteen (14) calendar days of the Court's entry of its
19 Order hereon;

20 (2) Plaintiff will dismiss his Appeal with prejudice within fourteen (14)
21 calendar days of the Court's entry of its Order hereon;

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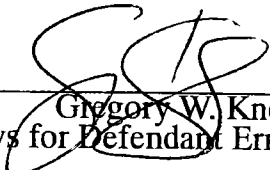
1 (3) Any revival of the Bill of Costs by Defendant in the event Plaintiff does not
2 timely dismiss the Appeal shall be made by notice to Plaintiff and the Court within
3 fourteen (14) calendar days after Plaintiff's deadline to dismiss the Appeal.

4 (4) The Parties acknowledge and agree that the amounts reflected on the Bill of
5 Costs were not approved by the Clerk of the Court or by the Court which had discretion
6 over whether to award the Defendants any amount of costs and, if any amount would be
7 awarded, the amount to be awarded. The Parties agree that until such an order is
8 entered, the amounts included in the Bill of Costs do not represent a debt from Plaintiff
9 to Defendants.

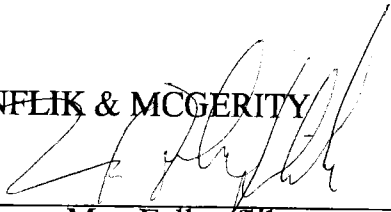
10
11 **IT IS SO STIPULATED.**

12
13 Dated: January 10, 2013

AKIN GUMP STRAUSS HAUER &
FELD LLP

14
15 By 
16 Gregory W. Knopp
17 Attorneys for Defendant Ernst & Young
LLP

18 Dated: January 10, 2013

19 FOLKENFLIK & MCGERITY
20 By 
21 Max Folkenflik
22 Attorneys for Plaintiff David Ho
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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

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21 DAVID HO, on behalf of himself and
all others similarly situated and on
22 behalf of the general public, and
DOES # 1-20,

23 Plaintiffs,

24 v.

25 ERNST & YOUNG LLP,

26 Defendant.

Case No. CV05-4867 RMW (HRL)

~~PROPOSED~~ ORDER RE:
WITHDRAWAL OF DEFENDANT'S
BILL OF COSTS

1 The Court having read and considered the Parties Joint Stipulation re: Withdrawal
2 of Defendant's Motion for Attorney's Fees and Bill of Costs, and good cause appearing,
3 THEREFORE:

4 IT IS HEREBY ORDERED:

5 (1) Defendant's Bill of Costs shall be withdrawn with prejudice, subject to
6 Defendant having the right to revive the Bill of Costs if Plaintiff does not dismiss his
7 Appeal with prejudice within five (5) days of the Court's entry of its Order hereon;

8 (2) Any revival of the Bill of Costs by Defendant in the event Plaintiff does not
9 timely dismiss the Appeal shall be made by notice to Plaintiff and the Court within five
10 (5) days after Plaintiff's deadline to dismiss the Appeal.

11
12 IT IS SO ORDERED.

13
14 Dated: _____



Ronald M. Whyte
United States District Judge