



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOHN C. REZNER, an individual,

Plaintiff,

vs.

BAYERISCHE HYPO-UND VEREINSBANK AG, a corporation; HVB STRUCTURED FINANCE, INC., a corporation; DOMENICK MARIO DEGIORGIO, an individual; RANDALL S. BICKHAM, an individual; SKYLINE ADVISORY SERVICES, LLC, a limited liability corporation; and DOES ONE through THIRTY, inclusive,

Defendants.

CASE NO. C-06-2064-JW

~~PROPOSED~~ **ORDER FOR STAY
IN EXECUTION OF THE
STIPULATED JUDGMENT**


~~PROPOSED~~ **ORDER**

Pursuant to the Court's August 3, 2009 Order, and having considered the \$18,125,000.00 supersedeas bond obtained by the Defendants, a copy of which is attached hereto, the Court

hereby orders the enforcement and execution of the Stipulated Judgment STAYED for the duration of Defendants' appeal.

SO ORDERED.

DATED: September 11, 2009



The Honorable James Ware
United States District Judge

Bond No. K08309735

IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF California

John Rezner :
Plaintiff : CIVIL ACTION
vs. HVB Structured Finance, Inc., dba HVB U.S. :
Finance Inc. and Bayerische Hypo-und Vereinsbank AG : NO. 06-2064
Defendant. :

SUPERSEDEAS BOND

KNOW ALL MEN BY THESE PRESENTS, That we _____
HVB Structured Finance, Inc., dba HVB U.S. Finance Inc. and Bayerische Hypo-und Vereinsbank AG
the above named Plaintiff/Defendant, as principal, and _____
Westchester Fire Insurance Company
as surety, are held and firmly bound unto John Rezner
Plaintiff/Defendant, in the full and just sum of _____
Eighteen Million One Hundred Twenty Five Thousand and 00/100 (\$ 18,125,000.00) Dollars, to be paid to
the said Plaintiff/Defendant, John Rezner
certain attorney, successors, executors, administrators or assigns; to which payment to be well and truly made we bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

Sealed with our seals and dated this 3rd day of September, A.D. 2009.

WHEREAS, on June 1, 2009, a Judgment was rendered in favor of the
above named obligee, and the said Plaintiff/Defendant has/had appealed from said judgment to the United States Court
of Appeals for the Ninth Circuit; and

WHEREAS, the said Plaintiff/Defendant desire a stay of all proceedings in the above entitled cause until the
determination of the said appeal;

NOW, THEREFORE, the condition of this obligation is such that if the said HVB Structured Finance, Inc.,
dba HVB U.S. Finance Inc. and Bayerische Hypo-und Vereinsbank AG as appellant, shall
prosecute an appeal with effect and shall satisfy the said Judgment in full together with costs, interest and damages for
delay if said appeal is dismissed or if the Judgment is affirmed, and shall satisfy in full such modification of the
Judgment and costs, interest and damages as may be adjudged and awarded by the Appellate Court, then this obligation
to be void; otherwise to remain in full force and effect.
Westchester Fire Insurance Company, as Surety, shall be liable for up to the amount of the bond.

HVB Structured Finance, Inc., dba HVB U.S. Finance Inc.
and Bayerische Hypo-und Vereinsbank AG
(L.S.)

BY: [Signature] (L.S.)

Westchester Fire Insurance Company

[Signature]
James Nicholas Attorney-in-Fact

ORDER

The foregoing bond is hereby approved and is to
stand as a supersedeas until the final determination
of the appeal.

[Signature]