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 10 PRODUCTIONS LLC;
 REARDEN STUDIOS LLC; REARDEN,
 11 INC.; and REARDEN PROPERTIES LLC

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Attorneys for Defendant REARDEN
 COMMERCE, INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 REARDEN LLC, a California limited liability
 company; REARDEN PRODUCTIONS LLC, a
 17 California limited liability company; REARDEN
 STUDIOS LLC, a California limited liability
 18 company; REARDEN, INC., a California
 corporation; and REARDEN PROPERTIES LLC,
 19 a California limited liability company,

20 Plaintiffs,

21 v.

22 REARDEN COMMERCE, INC., a California
 corporation,

23 Defendant.
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Case No. 5:06-cv-07367-LHK (PSG)

**STIPULATION TO REFUND
 CASH COLLATERAL AND
 [PROPOSED] ORDER**

Honorable Lucy H. Koh

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STIPULATION TO REFUND CASH COLLATERAL AND [PROPOSED] ORDER
CASE NO. 5:06-cv-07367-LHK (PSG)

sf-3285987

1 The parties, through their respective undersigned counsel, hereby stipulate pursuant to
2 Local Rule 7-12 as follows:

3 WHEREAS, on July 2, 2010, the Court entered judgment for Defendant Rearden
4 Commerce, Inc. (Dkt. 282);

5 WHEREAS, Defendant submitted its Bill of Costs on July 16, 2010 (Dkt. 283);

6 WHEREAS, Rearden LLC, Rearden Productions LLC, Rearden Studios LLC, Rearden,
7 Inc., and Rearden Properties LLC (“Plaintiffs”) filed a timely Notice of Appeal to the United
8 States Court of Appeals for the Ninth Circuit (Dkt. 284);

9 WHEREAS, on August 30, 2010, the parties stipulated (Dkt. 290) pursuant to Federal
10 Rule of Civil Procedure 62(d) that Plaintiffs could stay execution of judgment for payment of
11 costs upon either posting a supersedeas bond, or depositing with the Court funds, in an amount
12 not less than \$35,770.12, and the Court so ordered (Dkt. 291);

13 WHEREAS, on September 8, 2010, Plaintiffs deposited cash collateral with the court in
14 the amount of \$35,770.12 (Dkt. 292) with receipt number 34611050351;

15 WHEREAS, on June 27, 2012, the United States Court of Appeals for the Ninth Circuit
16 reversed the Court’s grant of summary judgment and remanded for further proceedings, 683 F.3d
17 1190 (9th Cir. 2012); and

18 WHEREAS, on April 1, 2013, the Court granted the parties’ stipulated dismissal with
19 prejudice (Dkt. 322);

20 IT IS HEREBY STIPULATED that:

21 There is no longer a need for the Court to maintain the cash collateral deposited by
22 Plaintiffs, and the parties respectfully request the Court refund to Plaintiffs their deposit of
23 \$35,770.12.

1 Dated: May 16, 2013

J. THOMAS MCCARTHY
DOUGLAS L. HENDRICKS
RACHEL KREVANS
JENNIFER LEE TAYLOR
CHRISTOPHER J. WIENER
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5 By: /s/ Douglas L. Hendricks
DOUGLAS L. HENDRICKS

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10 Attorneys for Plaintiffs Rearden LLC, Rearden
11 Productions LLC, Rearden Studios LLC, Rearden, Inc.,
12 and Rearden Properties LLC

13 Dated: May 16, 2013

14 By: /s/ Kevin J. O'Shea
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Attorneys for Defendant Rearden Commerce, Inc.

IT IS SO ORDERED.

29 Dated: May 17, 2013



LUCY H. KOH
UNITED STATES DISTRICT JUDGE

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ATTESTATION CLAUSE

I, Douglas L. Hendricks, am the ECF User whose ID and password are being used to file this **Stipulation to Refund Cash Collateral**. In compliance with Local Rule 5-1(i), I hereby attest that all parties have concurred in this filing.

Dated: May 16, 2013

J. THOMAS MCCARTHY
DOUGLAS L. HENDRICKS
RACHEL KREVANS
JENNIFER LEE TAYLOR
CHRISTOPHER J. WIENER
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