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10 UNITED STATES DISTRICT COURT FOR THE  
11 NORTHERN DISTRICT OF CALIFORNIA

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13 ANITA HUNTER, *et al.*,

14 Plaintiffs,

15 vs.

16 EDWARD H. OKUN, *et al.*,

17 Defendants.

CASE NO. 5:07-CV-02795-JW

18  
19 **STIPULATION AND ORDER**  
20 **STAYING PROCEEDING AS TO**  
21 **DEFENDANTS DANIEL E. MCCABE,**  
22 **SHIRLEY L. MCCABE, ANDREW C.**  
23 **MCCABE, CHAD J. GREENBERG,**  
24 **AND J. PETER MCCANN**

19 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendants Daniel E.  
20 McCabe, Shirley L. McCabe, Andrew C. McCabe, Chad J. Greenberg and J. Peter McCann  
21 (herein referred to as "Defendants"), by their respective attorneys as follows:

22 1. Following the Hearing on Plaintiffs' Motion for Preliminary Approval of the  
23 Wave I Settlements Agreements on June 22, 2009, the Court issued an Order Granting  
24 Preliminary Approval of those Settlements, including the settlement with the Defendants. The  
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1 Hearing on Final Approval of those Settlements is set for October 7, 2009.

2 2. On that same date, June 22, 2009, at the Case Management Conference,  
3 Defendants requested that, in light of that settlement and in light of the fact that they are  
4 individual Defendants for whom continued participation in this action would present a hardship,  
5 the Court stay this proceeding as to the Defendants pending Final Approval of their settlement  
6 with Plaintiffs. The Court indicated that, if Plaintiffs were willing to so stipulate, the Court  
7 would approve such a stay.

8 3. Accordingly, Plaintiffs and Defendants hereby stipulate that this proceeding shall  
9 be stayed as to the Defendants pending Final Approval of Defendants' settlement with Plaintiffs.  
10 As such, Defendants are not required to file any responsive pleadings, participate in any pretrial  
11 or trial matters, or make any further Court appearances. In the event that the Final Approval is  
12 not for some reason granted to the settlement involving the Defendants, then the stay may be  
13 terminated upon 20-days written notice by Plaintiffs to the Defendants or upon further Order of  
14 the Court.

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16 ROBERT L. BRACE  
17 MICHAEL P. DENVER  
18 HOLLISTER & BRACE

19 Dated: 8/26/09

20 By: 

21 Michael P. Denver  
22 Attorneys for Plaintiffs  
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MICHAEL J. NORTON  
D. SEAN VELARDE  
JENNIFER M. OSGOOD

Dated: 27 Aug 09

By: D. S. Velarde  
D. Sean Velarde

Attorneys for Defendants: Daniel E. McCabe,  
Shirley L. McCabe, Andrew C. McCabe,  
Chad J. Greenberg, and J. Peter McCann

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**ORDER**

Based upon the foregoing Stipulation, and

GOOD CAUSE APPEARING THEREFORE,

IT IS ORDERED THAT this proceeding shall be stayed as to Defendants Daniel E. McCabe, Shirley L. McCabe, Andrew C. McCabe, Chad J. Greenberg and J. Peter McCann, such that said Defendants need not file any responsive pleadings, need not participate in any pretrial or trial matters, and need not make any further Court appearances pending Final Approval of their settlement with Plaintiffs. Should that Final Approval not be granted, this stay may be terminated (1) upon 20 days written notice by Plaintiffs to said Defendants; or (2) upon further Order of the Court.

Dated: September 21, 2009

  
UNITED STATES DISTRICT JUDGE