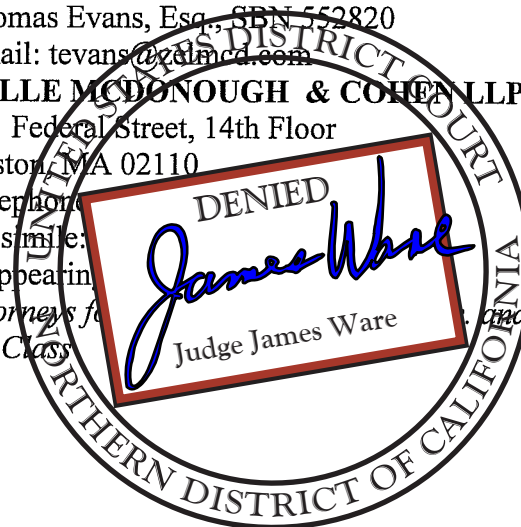


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13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN JOSE DIVISION**

16 **IN RE: EDWARD H. OKUN INTERNAL**  
17 **REVENUE SERVICE § 1031 TAX**  
18 **DEFERRED EXCHANGE LITIGATION**

19 MDL No. 2028

20 Anita Hunter, et al. v. Edward H. Okun, et al.  
N.D., California, C.A. No. 5:07-2795-JW

21 Quirk Infiniti, Inc. v. Wachovia Bank, N.A.  
D. Massachusetts, C.A. No. 1:08-12060

Case No. 07-2795 JW

**STIPULATION AND ORDER FOR STAY  
OF PROCEEDINGS AS TO DEFENDANT  
SAN FRANCISCO SERIES OF LOCKTON  
COMPANIES, LLC, EXCEPT FOR  
MATTERS RELATING TO APPROVAL  
OF THE LOCKTON SETTLEMENT**

23 WHEREAS, at the October 7, 2009 Wave I Final Fairness Hearing, the Court  
24 granted Plaintiffs' Motion for final approval of the Wave I Settlements, totaling over \$88  
25 million (Docket No. 304);

26 WHEREAS, at the October 7 hearing, the Court was informed that Wave II  
27 Settlements are being negotiated and will be presented to the Court in the near future;

28 WHEREAS, Plaintiffs have negotiated a Wave II Settlement with Defendant San

1 Francisco Series of Lockton Companies, LLC (“Lockton”), and that settlement has been  
2 executed;

3 WHEREAS, the Lockton Settlement requires that the Court be requested to stay  
4 the litigation against Lockton (except for matters relating to the settlement approval process),  
5 pending the Court’s decision on whether or not to approve the Lockton Settlement;

6 NOW THEREFORE, Plaintiffs, on the one hand and Lockton, on the other,  
7 hereby AGREE and STIPULATE that (i) with respect to Lockton and only Lockton, and, except  
8 for matters relating to the court approval process of the Wave II Lockton Settlement, the above-  
9 captioned litigation should be stayed, such that Lockton need not participate in discovery, pre-  
10 trial or trial matters, and need not make any further court appearances, other than those related  
11 to the Lockton Settlement approval process; and (ii) in the event the Court does not approve the  
12 Lockton Settlement, or, upon written notice to the Court that Plaintiffs or Lockton wish the stay  
13 to be lifted, the stay should be lifted.

14  
15 DATED: October 14, 2009

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23 DATED: October 14, 2009

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1  
2 **\*\*\* ORDER \*\*\***

3 The parties' Stipulation for a Stay is improper and therefore DENIED. Rather, the Court  
4 simply orders that because Defendant San Francisco Series of Lockton Companies, LLC is one  
5 of the participants in the Wave II settlement, Defendant need not Answer or participate in  
6 discovery at this time.  
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8 Dated: October 15, 2009

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10 JAMES WARE  
11 United States District Judge  
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