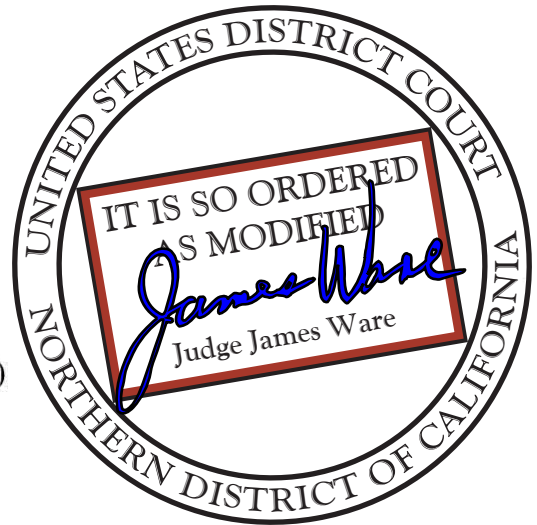


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10 Attorneys for Defendant and Counter-Claimant  
11 STEPHEN MANGELSEN



12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 FLUKE ELECTRONICS CORPORATION, a  
15 Washington corporation,

16 Plaintiff,

17 v.

18 STEPHEN MANGELSEN, a California resident,

19 Defendant.

20 AND RELATED CROSS-ACTION.

Case No.: C-08-01188-JW

**PLAINTIFF FLUKE ELECTRONICS  
CORPORATION'S AND DEFENDANT  
STEPHEN MANGELSEN'S JOINT  
STATEMENT AND [PROPOSED]  
ORDER**

Judge: Hon. James Ware

Complaint filed: February 28, 2008

21  
22  
23 Plaintiff Fluke Electronics Corporation and Defendant Stephen Mangelsen hereby submit  
24 this joint statement to the court.

25 **STATEMENT**

26 The parties have reached a tentative settlement of four hundred twenty thousand dollars  
27 (\$420,000) to resolve this matter. Pursuant to the terms of the settlement, Fluke agrees to dismiss  
28 its claims against Defendant Stephen Mangelsen with prejudice in exchange for full and prompt

1 payment of \$420,000 by Defendant Mangelsen no later than January 5, 2009 and dismissal with  
2 prejudice of his cross-complaint against Fluke Electronics Corporation.

3 The parties request that the Court continue the hearing date for motions for summary  
4 judgment and the case management conference to March 2, 2009, if necessary.

5  
6 DATED: December 29, 2008

Respectfully submitted,  
BARBER LAW GROUP

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8  
9 /s/ Bryan M. Barber  
Bryan M. Barber  
Attorneys for Plaintiff  
FLUKE ELECTRONICS CORPORATION

10  
11  
12 DATED: December 29, 2008

Respectfully submitted,  
MORGAN, FRANICH, FREDKIN & MARSH

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15 /s/ Donn Waslif  
Donn Waslif  
Attorneys for Defendant  
STEPHEN MANGELSEN

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**ORDER**

IT IS HEREBY ORDERED **AS MODIFIED:**

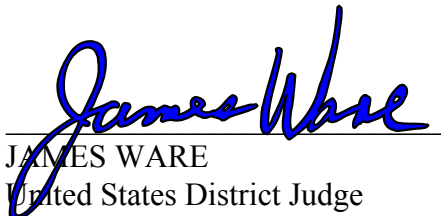
Pursuant to the parties' representation that above-entitled matter has reached a settlement, the Court vacates all trial and pretrial dates. In addition, although the Statement of Settlement does not refer to Defendant Mangelsen's cross-claims against Clifton Warren, the Court DENIES Warren's pending Motion to Compel Arbitration (Docket Item No. 34), without prejudice to be renewed in the event that the parties' settlement does not cover the cross-action.

On or before **January 26, 2009**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a). If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **February 2, 2009 at 9:00 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b).

On or before **January 26, 2009**, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: December 30, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge