

**GAUNTLETT & ASSOCIATES**

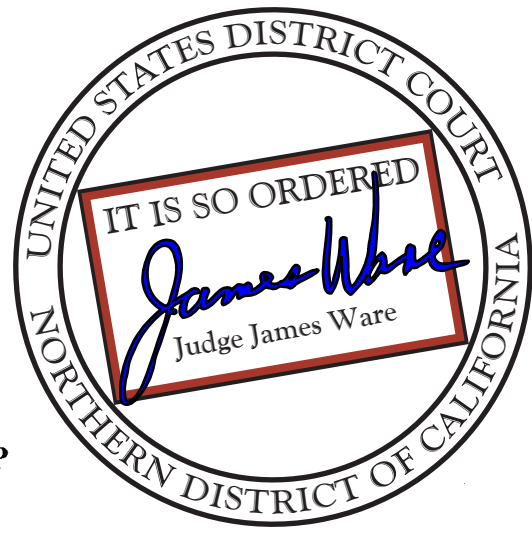
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ST. PAUL FIRE & MARINE INSURANCE COMPANY



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

E.PIPHANY, INC., a Delaware corporation,

Plaintiff,

vs.

ST. PAUL FIRE & MARINE INSURANCE  
COMPANY, a Minnesota corporation,

Defendant.

Case No. 5:08-cv-02621-JW

Hon. James Ware

**STIPULATION ALLOWING PLAINTIFF  
TO FILE FIRST AMENDED  
COMPLAINT PURSUANT TO FEDERAL  
RULES OF CIVIL PROCEDURE, RULE  
15, NAMING INFOR GLOBAL  
SOLUTIONS (MICHIGAN), INC. AS  
NAMED PLAINTIFF**

1 PLEASE TAKE NOTICE THAT Plaintiff E.Piphany, Inc. ("E.Piphany"), through and by its  
2 counsel, Gauntlett & Associates, and Defendant St. Paul Fire & Marine Insurance Company ("St.  
3 Paul"), through and by its counsel, Sedgwick, Detert, Moran & Arnold LLP, hereby agree and  
4 stipulate as follows:

5 1. WHEREAS, plaintiff E.Piphany filed its Complaint on May 23, 2008,

6 2. WHEREAS, defendant St. Paul filed its Answer on July 15, 2008,

7 3. WHEREAS, E.Piphany, Inc. contends that it merged with Infor Global Solutions  
8 (Michigan), Inc. on May 31, 2007.

9 4. WHEREAS, "Infor Global Solutions (Michigan), Inc." ("Infor") contends that it is  
10 the successor-in-interest to E.Piphany, Inc. because of E.Piphany's merger into Infor, leaving Infor  
11 as the surviving corporation, and should be the named Plaintiff in this action,

12 5. WHEREAS, both parties agree that, pursuant to Federal Rules of Civil Procedure,  
13 Rule 15, plaintiff E.Piphany may file a First Amended Complaint, a copy of which is attached  
14 hereto, that names "Infor Global Solutions (Michigan), Inc." as Plaintiff, but is otherwise  
15 substantially identical to E.Piphany's Complaint filed on May 23, 2008,

16 6. WHEREAS, both parties agree that St. Paul shall file its answer to the First Amended  
17 Complaint within ten (10) days of the filing thereof,

18 7. WHEREAS, this stipulation shall not in any way affect Plaintiff's motion for  
19 summary judgment, filed June 12, 2008 and set for hearing October 27, 2008 except that Infor, as  
20 plaintiff, shall be deemed to be the party seeking partial summary judgment.

21 NOW, THEREFORE, THE PARTIES STIPULATE, AND REQUEST THE COURT TO  
22 ORDER, AS FOLLOWS:

23 1. Infor may file a First Amended Complaint as successor in interest to E.Piphany, Inc.,  
24 a copy of which is attached hereto, that names "Infor Global Solutions (Michigan), Inc." as plaintiff,  
25 but is otherwise substantially identical to E.Piphany's Complaint filed on May 23, 2008.

26 2. St. Paul shall file its answer to the First Amended Complaint within ten (10) days of  
27 the filing thereof.

