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9 Attorneys for Plaintiff  
 10 QUALITY TECHNOLOGY SERVICES HOLDING, LLC

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

15 QUALITY TECHNOLOGY SERVICES  
 16 HOLDING, LLC, a Delaware Limited  
 17 Liability Company,

18 Plaintiff,

19 v.

20 CHRISTIAN KOCH, an individual, DAVID  
 21 BUCIAK, an individual, DATAPIPE, INC., a  
 22 California Corporation, TIM RHODES, an  
 23 individual,

24 Defendants.

Case No. CV-09-5133 JF

**STIPULATION RE DISMISSAL**

25 WHEREAS the parties settled the matter at mediation on June 11, 2010;

26 WHEREAS the parties are in the process of finalizing the formal written settlement  
 27 agreement, the terms of which include the requirements that (1) defendant David Buciak  
 28 (“Buciak”) make settlement payments to plaintiff Quality Technology Services Holding, LLC  
 (“QTS”) in four installments, 30, 60, 90 and 120 days from the effective date of the settlement  
 agreement and (2) and defendant Christian Koch (“Koch”) make settlement payments to QTS in  
 25 monthly installments, starting 30 days from the effective date of the settlement agreement.

1           WHEREAS on July 1, 2010, the Court ordered the case dismissed with prejudice and  
2 stated that if any party notifies the Court within 90 days of the date of the order that the agreed  
3 consideration for settlement has not been delivered, the order of dismissal will be vacated and the  
4 case will be restored to be set for trial;

5           WHEREAS the parties request that the deadline for payment of consideration set out in  
6 the Court's July 1, 2010 order be extended as to defendant Buciak and Koch.

7           NOW THEREFORE QTS, Buciak and Koch, by and through their respective counsel,  
8 hereby stipulate and respectfully request that the Court extend the deadline for payment of  
9 consideration by Buciak and Koch. If any party notifies the Court within 150 days of this order  
10 that the agreed consideration for settlement has not been delivered by Buciak, the dismissal order  
11 of July 1, 2010 will be vacated and the case will be restored to the calendar as to Buciak. If any  
12 party notifies the Court within 26 months of this order that the agreed consideration for  
13 settlement has not been delivered by Koch, the dismissal order of July 1, 2010 will be vacated  
14 and the case will be restored to the calendar as to Koch.

15  
16 DATED: July 27, 2010

**CMD ASSOCIATES**

17  
18 By:           /s/ C. Matthew Didaleusky            
          C. Matthew Didaleusky

19 Attorneys for Defendant  
20 DAVID BUCIAK

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DATED: July 27, 2010

**WILLIAMS PINELLI & CULLEN**

By:           /s/ Edward Cullen            
Edward Cullen

Attorneys for Defendant  
CHRISTIAN KOCH

DATED: July 27, 2010

**SEDGWICK, DETERT, MORAN & ARNOLD LLP**

By:           /s/ Amber Rye Brumfiel            
Amber Rye Brumfiel

Attorneys for Plaintiff  
QUALITY TECHNOLOGY SERVICES HOLDING, LLC

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated:           8/17/10          

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
United District Court Judge

