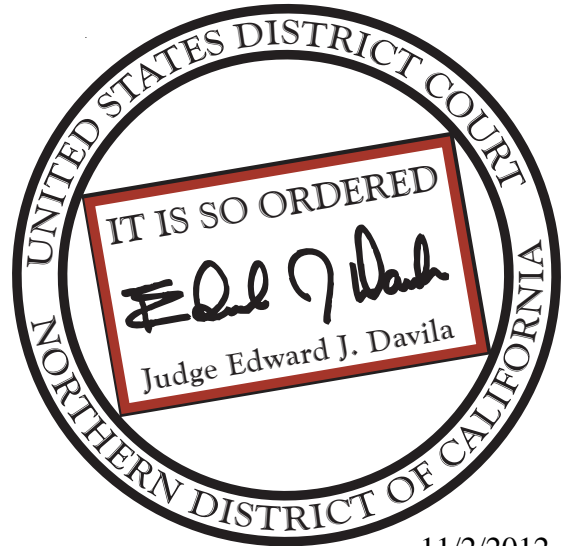


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 12 successor by merger to CBS Corporation, a
 Pennsylvania corporation, f/k/a Westinghouse
 Electric Corporation



11/2/2012

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

17 WILLIAM L. HARRIS and
 18 JEAN HARRIS,

19 Plaintiffs,

20 vs.

21 CBS CORPORATION,

22 Defendant.

Case No: 5:12-CV-00049-EJD

**NOTICE OF WITHDRAWAL OF MOTION BY
 DEFENDANT CBS CORPORATION TO
 APPLY IDAHO LAW**

Date: December 7, 2012

Time: 9:00 a.m.

Judge: Honorable Edward J. Davila

Courtroom: 4

Case Filed: January 4, 2012

Trial Date: February 5, 2013

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TO THE COURT, PLAINTIFFS, AND PLAINTIFFS’ ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Northern District of California Local Civil Rule 7-7(e), Defendant CBS Corporation, a Delaware corporation, f/k/a Viacom, Inc., successor by merger to CBS Corporation, a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation (“Westinghouse”) hereby withdraws its Motion to Apply Idaho Law, and all related and amended documents filed in support thereof (Document Nos. 92-104), that is set for hearing on December 7, 2012, at 9:00 a.m., before the Honorable Edward J. Davila, in Courtroom 4 of the above-entitled Court, located at 280 South First Street, San Jose, California 95113.

This Notice of Withdrawal is timely as it is made before the time for filing and serving a Reply, and thus the hearing referenced above shall be taken off calendar pursuant to Local Civil Rule 7-7(e).

Notwithstanding the above, Westinghouse may find it necessary to re-file its Motion to Apply Idaho Law. Accordingly, Westinghouse respectfully requests that the Court to maintain the current hearing date of December 7, 2012 at 9:00 a.m. in Courtroom 4 in the event Westinghouse re-files its Motion to Apply Idaho Law.

Dated: October 31, 2012

POND NORTH LLP

By: /s/ Kevin D. Jamison
KEVIN D. JAMISON
Attorneys for Defendant CBS CORPORATION,
a Delaware corporation, f/k/a Viacom, Inc., successor
by merger to CBS Corporation, a Pennsylvania
corporation, f/k/a Westinghouse Electric Corporation

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PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 100 Spear Street, Suite 1200, San Francisco, California 94105.

On October 31, 2012, I served the following document(s): **NOTICE OF WITHDRAWAL OF MOTION BY DEFENDANT CBS CORPORATION TO APPLY IDAHO LAW** on the interested parties in this action by placing a true and correct copy of such document, enclosed in a sealed envelope, addressed as follows:

ALL PARTIES APPEARING IN THIS ACTION

- I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at, Los Angeles, California.
- By Overnight Service: I caused the above-referenced document(s) to be deposited in a box or other facility regularly maintained by the overnight courier, or I delivered the above-referenced document(s) to an overnight courier service, for delivery to the above addressee(s).
- By E-Service: I electronically served the above document(s) via ECF/Pacer on all parties appearing in this action.
- By Personal Service: I caused to be delivered by courier **Nationwide Legal Express**, such envelope by hand to the offices of the above addressee(s).
- By Personal Service: I delivered such envelope by hand to the offices of the addressee(s).
- By Facsimile Machine: The document was transmitted by facsimile transmission to the number(s) indicated and was reported as complete and without error.

Executed: October 31, 2012

- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Colleen Fulkerson

 Colleen Fulkerson
 4520-3436