

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00163 REB (MJW)

HEALTHBRIDGE ALLIANCE, a Colorado nonprofit corporation,

Plaintiff,

v.

HENRY N. TOBEY, Ph.D., an individual,

Defendant.

STIPULATION AND ORDER

The Court enters the following Stipulation as an Order of the Court: Plaintiff Health Bridge Alliance (“Plaintiff”) and Defendant Henry N. Tobey, Ph.D. (“Defendant”) (collectively, the “Parties”), by and through their respective undersigned counsel, agree to the following Stipulation as an Order in lieu of the Temporary Restraining Order requested by Plaintiff:

1. The Hearing on Motion for Temporary Restraining Order (Docket No. 6) is hereby vacated. The parties are to meet and confer about the time needed before a Preliminary Injunction hearing is held and the length of such a hearing on Plaintiff’s Motion for a Preliminary Injunction (Docket No. 4). Thereafter, the Parties are to jointly contact the Court to obtain available dates and set the hearing.
2. Defendant will provide all HealthBridge Alliance materials, documents, and records that Plaintiff requested in its Motion for Temporary Restraining Order in

Defendants' possession, custody or control by January 25, 2007. Defendant shall cooperate with Plaintiff to obtain any historical information necessary to complete any HealthBridge Alliance reports.

3. Plaintiff will safeguard all materials, documents, and records provided during the course of this litigation.

4. Until an Order is issued that replaces this Order, Defendant shall not participate in or be present during any training sessions offered by Plaintiff, including the training session scheduled for February 14, 2007.

5. Plaintiff and Defendant shall not disparage each other in any fashion. Outside the context of this litigation, Plaintiff shall not discuss the alleged basis for Defendant's termination or its claims concerning control of the HealthBridge Alliance, or ownership of a copyright of the training materials that are the subject of this litigation. Outside the context of this litigation and any application process to obtain a copyright registration, Defendant shall not discuss his claim concerning control of the HealthBridge Alliance, or ownership of a copyright of the training materials that are the subject of this litigation.

6. The Orders and agreements set forth above will not be construed as a determination of ownership or interest in the HealthBridge Alliance as a non-profit corporation nor ownership of any copyright in the training materials used by Plaintiff. Each Party expressly reserves the right to assert ownership of copyright and the organization in this litigation and no waiver of any such claim shall result from this stipulation.

7. Until an Order is issued that replaces this Order, Plaintiff will maintain the status quo regarding the operation of HealthBridge Alliance; i.e., Plaintiff will operate HealthBridge Alliance as usual, will meet all of its obligations under existing grants and contracts, and will not make any payments to employees or contractors or incur expenses outside the ordinary course of business, consistent with prior operations. On a monthly basis, starting with December 2006, Plaintiff shall provide Defendant with copies of the bank account statements, credit card statements, balance sheets, payroll reports and any other financial reports of HealthBridge Alliance that are prepared by or for Plaintiff. Such reports shall be provided within seven days after they are prepared by Plaintiff or received by Plaintiff or such other time as mutually agreed to by the parties.

Dated this 25th day of January, 2007.

BY THE COURT:

S/John L. Kane
United States District Court Judge

Agreed to by counsel for the undersigned this 25th day of January, 2007.

s/ Gregory S. Tamkin

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