| 1 | BRUCE SAMUELS (Ariz. Bar 15996) | | |
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| 2 | Admitted <i>Pro Hac Vice</i> LINDSAY DEMAREE (Nev. Bar 11949) | | |
| 3 | LEWIS AND ROCA LLP 3993 Howard Hughes Parkway, Suite 600 | | |
| 4 | Las Vegas, Nevada 89169 | | |
| 5 | (702) 949-8200 (702) 949-8398 (fax) Attorneys for Defendant and Counterclaimants | | |
| 6 | UNITED STATES DISTRICT COURT | | |
| 7 | DISTRICT OF NEVADA | | |
| 8 | HERNI THOMPSON, individually; JAMES MILLER, individually; | Case No.: 2:09-cv-00905-JCM-NJK | |
| 9 | Plaintiffs, | | |
| 10 | VS. | STIPULATION FOR ENTRY OF FINAL JUDGMENT | |
| 11 | AMERICAN FAMILY MUTUAL | AND | |
| 12 | INSURANCE COMPANY, a foreign corporation; Doe Individuals 1 to 10 and Roe Entities 1 to 10; | PERMANENT INJUNCTION AGAINST HERNI THOMPSON AND HERNI S. THOMPSON AGENCY, INC. | |
| 13 | · | | |
| 14 | Defendants. | | |
| 15 | AMERICAN FAMILY MUTUAL INSURANCE COMPANY, AMERICAN | | |
| 16 | FAMILY LIFE INSURANCE COMPANY, and AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN, Wisconsin | | |
| 17 | mutual insurance companies, | | |
| 18 | Counterclaimants, vs. | | |
| 19 | HERNI THOMPSON, JAMES MILLER, and | | |
| 20 | HERNI S. THOMPSON AGENCY, INC., a Nevada corporation, | | |
| 21 | Counterdefendants. | | |
| 22 | Counterconduits. | | |
| 23 | Plaintiff and Counterclaim Defendants I | Herni Thompson and Herni S. Thompson Agency, | |
| 24 | Inc., as well as Defendant and Counterclain | n Plaintiffs American Family Mutual Insurance | |
| 25 | Company, American Family Life Insurance | Company, and American Standard Insurance | |
| 26 | Company of Wisconsin (hereinafter collectively referred to as "the Parties"), have reached a | | |
| 27 | settlement. The settlement includes the entry | of a Stipulated Final Judgment and Permanent | |

Injunction, a copy of which is attached hereto as Exhibit A. The Parties therefore stipulate entry

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| 1 | of the attached order, thereby terminating the claims brought by Herni Thompson, and the |
| 2 | counterclaims filed against Herni Thompson and Herni S. Thompson Agency, Inc. |
| 3 | DATED this 29th day of March, 2012. |
| 4 | Respectfully submitted, |
| | |
| 5 | LEWIS AND ROCA LLP |
| 6 | By <u>/s/Lindsay Demaree</u> |
| 7 | BRUCE SAMUELS (Ariz. Bar 15996) Admitted <i>Pro Hac Vice</i> |
| 8 | LINDSAY DEMAREE (Nev. Bar 11949) |
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| 9 | Las Vegas, Nevada 89169 |
| 10 | Attorneys for Defendant and |
| 10 | Counterclaimants |
| 11 | |
| 12 | HAWKINS, BOLEY & ALDABBAGH |
| 124 | By <u>/s/R.E. Hawkins</u> |
| 13 | RICHARD E. HAWKINS |
| 14 | 3143 Industrial Road |
| 14 | Las Vegas, Nevada 89109 |
| 15 | Attorneys for Plaintiffs |
| 16 | and Counterdefendants |
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Lewis and Roca LLP 28
3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89109

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Lewis and Roca LLP and that on the 29th day of March, 2013, a true and correct copy of the foregoing was served on the parties to this case through electronic transmission of the Notice of Electronic Filing, which constitutes service of a document on Filing Users under the Court's Electronic Fling Procedures to all parties to this case who are Filing Users of the Electronic Filing System of the United States District Court for the District of Nevada.

/s/ Judy Estrada
An Employee of Lewis and Roca LLP

Lewis and Roca LLP 2 3993 Howard Hughes Parkway Suite 600 Las Vegas, Nevada 89109

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1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 HERNI THOMPSON, individually; JAMES Case No.: 2:09-cv-00905-JCM-NJK MILLER, individually; 7 Plaintiffs, STIPULATED FINAL JUDGMENT AND 8 VS. PERMANENT INJUNCTION AGAINST 9 AMERICAN FAMILY MUTUAL HERNI THOMPSON AND HERNI S. INSURANCE COMPANY, a foreign THOMPSON AGENCY, INC. corporation; Doe Individuals 1 to 10 and Roe 10 Entities 1 to 10; 11 Defendants. 12 AMERICAN FAMILY MUTUAL 13 INSURANCE COMPANY, AMERICAN FAMILY LIFE INSURANCE COMPANY, 14 and AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN, Wisconsin 15 mutual insurance companies, 16 Counterclaimants, VS. 17 HERNI THOMPSON, JAMES MILLER, and 18 HERNI S. THOMPSON AGENCY, INC., a Nevada corporation, 19 Counterdefendants. 20 Based on the stipulation of the American Family Mutual Insurance Company, American 21 Family Life Insurance Company, American Family Standard Insurance Company of Wisconsin 22 (collectively "American Family"), Herni Thompson, and Herni S. Thompson Agency, Inc., and 23 24 for good cause appearing, 25 IT IS ORDERED: Herni Thompson and Herni S. Thompson Agency, Inc. are permanently enjoined 26 1. from using or disclosing American Family's trade secrets and other confidential and proprietary 27 information and documents, including but not limited to American Family policyholder 28

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information;

- 2. To the extent Herni Thompson or Herni S. Thompson Agency, Inc. have retained any American Family policies, endorsements, policy records, manuals, materials and supplies, including all American Family policyholder information, they shall destroy all such records within ten court days of this order.
- 3. Judgment is entered in favor of American Family Mutual Insurance Company and against Herni Thompson and Herni S. Thompson Agency, Inc., jointly and severally;
- 4. American Family Mutual Insurance Company is awarded \$453,838.00 in damages against Herni Thompson and Herni S. Thompson Agency, Inc., jointly and severally;
- 5. American Family Mutual Insurance Company is awarded \$22,114,29 in attorneys' fees against Herni Thompson and Herni S. Thompson Agency, Inc., jointly and severally, pursuant to a prior ruling of the Court (Doc. 302);
- 6. American Family is awarded \$131,687 in prejudgment interest against Herni Thompson and Herni S. Thompson Agency, Inc., jointly and severally.
 - 7. The judgment shall bear interest pursuant to 28 U.S.C. § 1961.
 - 8. Each side is to bear their own fees and costs.
 - 9. This order has no effect on Plaintiff/Counterclaim Defendant James Miller.

Dated: March 29, 2013.

UNITED STATES DISTRICT JUDGE

-2-