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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDGAR W. TUTTLE; ERIC BRAUN; THE
BRAUN FAMILY TRUST; and WENDY
MEG SIEGEL, on behalf of themselves and all
other similarly situated,

Plaintiffs,

vs.

SKY BELL ASSET MANAGEMENT, LLC, et
al.,

Defendants.

Case No. 3:10-cv-03588-WHA

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL WITH
PREJUDICE**

1 WHEREAS plaintiff Edgar W. Tuttle previously moved to be appointed representative of,
2 *inter alia*, a subclass of limited partners in Wailea Partners, LP for purposes of pursuing class
3 claims against Defendant McGladrey & Pullen, LP (“McGladrey”); and

4 WHEREAS by Order dated October 28, 2011, this Court, *inter alia*, denied Mr. Tuttle’s
5 motion solely with regard to certification of the subclass asserting claims against McGladrey; and

6 WHEREAS as a result of the October 28, 2011 Order, the only remaining claims in this
7 action against McGladrey are the individual claims of Plaintiff Edgar W. Tuttle (“Tuttle’s
8 individual claims”); and

9 WHEREAS, McGladrey and Tuttle have reached a settlement as to Tuttle’s individual
10 claims against McGladrey only;

11 NOW, THEREFORE, THE UNDERSIGNED STIPULATE AND AGREE AS
12 FOLLOWS:

13 Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff Tuttle’s individual claims
14 in the above-captioned case against Defendant McGladrey only are hereby dismissed with
15 prejudice.

16 The parties will bear their own costs and attorneys’ fees.
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1 Dated: 12/14/11

Dated: 12/15/11

2 By: [Signature]

By: [Signature]

3 GOLD BENNETT CERA & SIDENER LLP
4 Solomon B. Cera (#99467)
5 Gwendolyn R. Giblin (#181973)
6 C. Andrew Dirksen (#197378)
7 Gold Bennett Cera & Sidener LLP
8 595 Market Street, Ste. 2300
9 San Francisco, California 94105
Telephone: (415) 777-2230
Facsimile: (415) 777-5189
Email: scera@gbcslaw.com
ggiblin@gbcslaw.com

KEKER & VAN NEST LLP
Christopher C. Kearney (#154101)
Benedict Y. Hur (#224018)
Cody S. Harris (#255302)
633 Battery Street
San Francisco, California 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
Email: ckearney@kvn.com
bhur@kvn.com
charris@kvn.com

10 *Counsel for Plaintiff Edgar W. Tuttle*

WILLIAMS & CONNOLLY LLP
Thomas H.L. Selby (pro hac vice)
Katherine M. Turner (pro hac vice)
Eun Young Choi (pro hac vice)
725 12th Street NW
Washington, DC 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029
Email: tselby@wc.com
kturner@wc.com
echoi@wc.com

Counsel for Defendant McGladrey & Pullen, LLP

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

24 Dated: December 19, 2011.

[Signature]

William Alsup
UNITED STATES DISTRICT JUDGE

28 STIPULATION OF DISMISSAL WITH PREJUDICE
Case No. 3:10-cv-03588 WHA