

The Honorable Julie Spector
Noted for Consideration: May 17, 2011, 9:00 a.m.
With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

FUTURESELECT PORTFOLIO
MANAGEMENT, INC., FUTURESELECT
PRIME ADVISOR II LLC, THE MERRIWELL
FUND, L.P., and TELESIS IIW, LLC,

Plaintiffs,

v.

TREMONT GROUP HOLDINGS, INC.,
TREMONT PARTNERS, INC., OPPENHEIMER
ACQUISITION CORPORATION,
MASSACHUSETTS MUTUAL LIFE
INSURANCE CO., GOLDSTEIN GOLUB
KESSLER LLP, ERNST & YOUNG LLP and
KPMG LLP

Defendants.

Case No. 10-2-30732-0 SEA

**[PROPOSED] ORDER GRANTING
KPMG LLP'S MOTION TO
COMPEL ARBITRATION AND
STAY THE ACTION AGAINST IT,
OR, IN THE ALTERNATIVE, TO
DISMISS**

This matter having come before the Court on KPMG LLP's Motion to Compel Arbitration and Stay the Action Against It, or, in the Alternative, to Dismiss, and the Court having reviewed the papers filed by the parties, the record in this action, and any other pleadings and argument of the parties relevant to the issues raised therein, and the Court having found that arbitration should be compelled and this action should be stayed in favor of

1 arbitration, or, in the alternative, that this action should be dismissed against KPMG on
2 grounds of lack of standing, failure to state a claim, and *forum non conveniens*,

3 IT IS HEREBY ORDERED THAT KPMG LLP's Motion is GRANTED, and:

4 <input checked="" type="checkbox"/>	Plaintiffs' claims against KPMG are subject to mandatory arbitration and this 5 action shall be stayed pending resolution of that arbitration.
6 <input type="checkbox"/>	Plaintiffs' claims against KPMG are dismissed.

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8 Dated this 3rd day of June 2011.

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10 
11 THE HONORABLE JULIE SPECTOR
12 KING COUNTY SUPERIOR COURT JUDGE

13 *Presented by:*

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