

The Court's entry of this Order and the agreement of any Party to it are without prejudice to any Party's position with respect to the Motion, except as to the matters set out herein.

SIGNED this 4 day of November 2010.

B/ Judge Melissa Juana-Doyle
 JUDGE PRESIDING

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| <p>AGREED AS TO FORM AND SUBSTANCE</p> <p>By: <i>Jack Hohengarten by Mary Dietz with permission</i> Jack Hohengarten State Bar No. 09812200 Charles B. McDonald State Bar No. 00786834 Counsel for Plaintiff</p> | <p>By: <i>Geoffrey D. Weisbart by Mary Dietz with permission</i> Terry Scarborough State Bar No. 17716000 Geoffrey D. Weisbart State Bar No. 21102645 Counsel for Intervenors</p> |
| <p>By: <i>Matthew G. Nielsen by Mary Dietz with permission</i> Matthew G. Nielsen State Bar No. 24032792 Spencer C. Barasch State Bar No. 00789075 Counsel for Relief Defendant Kiesling Porter</p> | <p>By: <i>Barry Bishop by Mary Dietz with permission</i> Barry Bishop State Bar No. 02346000 Counsel for Defendants Richard H. "Dick" Gray and Wendy Rogers</p> |
| <p>By: <i>Michael D. Napoli by Mary Dietz with permission</i> Michael D. Napoli State Bar No. 14803400 Counsel for the Court-Appointed Receiver of Retirement Value, LLC</p> | <p>By: <i>Patrick S. Richter by Mary Dietz with permission</i> Sam Rosen State Bar No. 17265000 Patrick S. Richter State Bar No. 00791524 Counsel for Bejcek Intervenors</p> |