



Macrotron Systems v. FICO B.V.

2008 | Cited 0 times | N.D. California | November 25, 2008

STIPULATION AND [PROPOSED] ORDER RE DEFENDANTS' MOTIONS TO DISMISS AND PLAINTIFF'S FIRST AMENDED COMPLAINT

WHEREAS, on January 9, 2008, Plaintiff filed a Complaint for Breach of Contract and Fraud (the "Complaint") against Defendants FICO B.V. ("FICO"), BESI NORTH AMERICA, INC. ("BESI") and BE SEMICONDUCTOR INDUSTRIES N.V. ("BE") (collectively, "Defendants") in Alameda County Superior Court;

WHEREAS, on September 24, 2008, Defendants removed the Complaint to this Court;

WHEREAS, Defendants BESI and BE filed Motions to Dismiss for Lack of Personal Jurisdiction, which are set for hearing on December 15, 2008;

WHEREAS, FICO filed a Motion to Dismiss Plaintiff's Second Cause of Action for Fraud and Deceit, which is also set for hearing on December 15, 2008;

WHEREAS, on November 24, 2008, Plaintiff agreed to file a First Amended Complaint for Breach of Contract and Fraud pleading fraud with more specificity and to also dismiss BESI and BE from this action;

IT IS HEREBY STIPULATED AND AGREED as follows:

1. Defendants Motions to Dismiss are hereby withdrawn;
2. BESI and BE are hereby dismissed with prejudice;
3. BESI and BE waive any and all attorneys' fees and/or costs incurred in this action or the Alameda County Superior Court action that was removed; and
4. Plaintiff shall file a First Amended Complaint for Breach of Contract and Fraud pleading fraud with more specificity within seven (7) days after the Court signs this order.

IT IS SO STIPULATED.

Dated: November 24, 2008 LAW OFFICE OF DEREK A. ELETICH Derek A. Eletich DEREK A.



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KEITH L. SLENKOVICH Attorney for Defendants FICO B.V., BESI NORTH AMERICA, INC. and
BE SEMICONDUCTOR INDUSTRIES N.V.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

