



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Jun-17-2009 10:18 am

Case Number: CGC-05-442624

Filing Date: Jun-17-2009 10:18

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**ORDER**

ERIC PARKE et al VS. CARDSYSTEMS SOLUTIONS, INC., A CORPORATION et al

001C02528356

**Instructions:**

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Michael D. Abraham, State Bar No. 125633  
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9 *Admitted -- Pro Hac Vice*

10 Attorneys for Defendant  
11 **MERRICK BANK CORPORATION**

12 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **IN AND FOR THE COUNTY OF SAN FRANCISCO**  
14 **UNLIMITED JURISDICTION**

15 **ERIC PARKE, ANDREW SCHULTZ and** )  
**ROYAL SLEEP CLEARANCE CENTER, INC.** )  
16 a California Corporation, On Behalf of )  
17 Themselves, All Others Similarly Situated, and )  
in the Interest of the General Public of the State )  
of California, )

18 **Plaintiffs,** )

19 **v.** )

20 **CARDSYSTEMS SOLUTIONS, INC.** a )  
21 corporation; **MERRICK BANK** )  
**CORPORATION,** a corporation; **VISA** )  
22 **INTERNATIONAL SERVICE ASSOCIATION,** )  
a corporation; **VISA U.S.A. INC.,** a corporation; )  
23 **MASTERCARD INTERNATIONAL** )  
**INCORPORATED** a corporation; and **DOES 1-** )  
24 **200, inclusive,** )

25 **Defendants.** )

**FILED**  
San Francisco County Superior Court

JUN 17 2009  
GORDON PARK-LI, Clerk  
BY: *Karin Shaw*  
Deputy Clerk

Case No. CGC-05-442624

**STIPULATION FOR DISMISSAL OF ACTION AND [PROPOSED] ORDER**

Complaint Filed: June 27, 2005  
Trial Date: None Set

*Civil – Complex Case Litigation*

1 IT IS HEREBY STIPULATED, by and between the parties, through counsel of  
 2 record, that this action shall be dismissed as to all defendants with prejudice with respect to the  
 3 claims and causes of action of the named plaintiffs in their individual capacities and without  
 4 prejudice with respect to any claims or causes of action of the putative (but uncertified) class.

5 ROTHKEN LAW FIRM  
 MALLISON & MARTINEZ

O'MELVENY & MYERS LLP

7  
 8 By:   
 Stanley Mallison  
 Attorneys for Plaintiffs


By: \_\_\_\_\_  
 Steven Conigliaro  
 Attorneys for Visa International Service  
 Association and Visa U.S.A. Inc.

10 Dated: May 21, 2009

Dated: May \_\_, 2009

11 BARTKO ZANKEL TARRANT & MILER  
 A Professional Corporation

SHEPPARD MULLIN RICHTER &  
 HAMPTON LLP

13  
 14 By:   
 Charles G. Miller  
 Attorneys for Merrick Bank Corporation

By: \_\_\_\_\_  
 Michael W. Scarborough  
 Attorneys for MasterCard International  
 Incorporated

16 Dated: May \_\_, 2009

Dated: May \_\_, 2009

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 San Francisco, CA 94111  
 Phone (415) 956-1900 • Fax (415) 956-1152

**ORDER**

20 The Court having reviewed the Stipulation for Dismissal of Action, and the  
 21 Declaration of Stanley S. Mallison in Support of Dismissal of Action, and good cause appearing  
 22 therefore,

1 IT IS HEREBY STIPULATED, by and between the parties, through counsel of  
2 record, that this action shall be dismissed as to all defendants with prejudice with respect to the  
3 claims and causes of action of the named plaintiffs in their individual capacities and without  
4 prejudice with respect to any claims or causes of action of the putative (but uncertified) class.

5 ROTHKEN LAW FIRM  
6 MALLISON & MARTINEZ

O'MELVENY & MYERS LLP

7  
8 By: \_\_\_\_\_  
9 Stanley Mallison  
Attorneys for Plaintiffs

By: Steven Conigliaro  
Steven Conigliaro  
Attorneys for Visa International Service  
Association and Visa U.S.A. Inc.

10 Dated: May \_\_, 2009

Dated: May 14, 2009

11 BARTKO ZANKEL TARRANT & MILER  
12 A Professional Corporation

SHEPPARD MULLIN RICHTER &  
HAMPTON LLP

13  
14 By: \_\_\_\_\_  
15 Charles G. Miller  
Attorneys for Merrick Bank Corporation

By: \_\_\_\_\_  
Michael W. Scarborough  
Attorneys for MasterCard International  
Incorporated

16 Dated: May \_\_, 2009

Dated: May \_\_, 2009

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18  
19 **ORDER**

20 The Court having reviewed the Stipulation for Dismissal of Action, and the  
21 Declaration of Stanley S. Mallison in Support of Dismissal of Action, and good cause appearing  
22 therefore,  
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IT IS HEREBY STIPULATED, by and between the parties, through counsel of record, that this action shall be dismissed as to all defendants with prejudice with respect to the claims and causes of action of the named plaintiffs in their individual capacities and without prejudice with respect to any claims or causes of action of the putative (but uncertified) class.

ROTHKEN LAW FIRM  
MALLISON & MARTINEZ

O'MELVENY & MYERS LLP

By: \_\_\_\_\_  
Stanley Mallison  
Attorneys for Plaintiffs

By: \_\_\_\_\_  
Steven Coniglaro  
Attorneys for Visa International Service  
Association and Visa U.S.A. Inc.

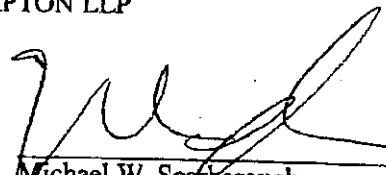
Dated: May \_\_, 2009

Dated: May \_\_, 2009

BARTKO ZANKEL TARRANT & MILER  
A Professional Corporation

SHEPPARD MULLIN RICHTER &  
HAMPTON LLP

By: \_\_\_\_\_  
Charles G. Miller  
Attorneys for Merrick Bank Corporation

By:   
Michael W. Scarborough  
Attorneys for MasterCard International  
Incorporated

Dated: May \_\_, 2009

Dated: May 14, 2009

**ORDER**

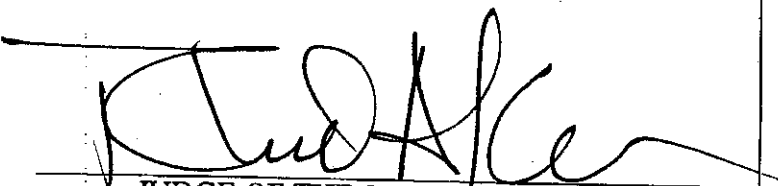
The Court having reviewed the Stipulation for Dismissal of Action, and the Declaration of Stanley S. Mallison in Support of Dismissal of Action, and good cause appearing therefore,

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IT IS HEREBY ORDERED THAT this action shall be dismissed as to all defendants with prejudice with respect to the claims and causes of action of the named plaintiffs in their individual capacities and without prejudice with respect to any claims or causes of action of the putative (but uncertified) class.

*JUNE 16*  
Dated: May \_\_, 2009

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**RICHARD A. KRAMER**

**BARTKOZANKEL**  
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