

ORIGINAL

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10 Counsel for R. Todd Neilson, Trustee of the "Estate of Reed  
E. Slatkin and Substantively Consolidated Affiliates  
11 Topsight Oregon Inc. and the Reed Slatkin Investing Club,  
L.P. Liquidating Trust"

12  
13 **UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
14 **NORTHERN DIVISION**

15 In re  
16 REED E. SLATKIN and Substantively  
Consolidated Affiliates TOPSIGHT  
17 OREGON, INC. and REED SLATKIN  
INVESTMENT CLUB, L.P.,  
18 Reorganized Debtors.

19  
20 R. TODD NEILSON, Trustee of the  
Chapter 11 Bankruptcy Estate of Reed E.  
21 Slatkin,  
22 Plaintiff,

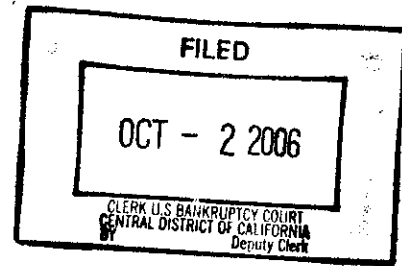
23 v.  
24 LINDA ROSEN, individually, and DOES  
25 1-10,  
26 Defendants.

) Case No. ND 01-11549-RD [Substantively  
Consolidated With Former Case No. 01-  
12990-RR]

) **Chapter 11**

) **Adv. No. 02-01122-RR**

) **STIPULATION TO VACATE**  
**DISMISSAL WITHOUT PREJUDICE**  
**AND ENTER DISMISSAL WITH**  
**PREJUDICE; AND ORDER**  
**THEREON**



1 This Stipulation is entered into by and between (a) plaintiff R. Todd Neilson (the  
2 "Trustee"), trustee of the "Estate of Reed E. Slatkin and Substantively Consolidated  
3 Affiliates Topsight Oregon, Inc. and Reed Slatkin Investment Club, L.P. Liquidating  
4 Trust" (the "Liquidating Trust"), the successor-in-interest to the chapter 11 bankruptcy  
5 estate (the "Estate") of Reed E. Slatkin and substantively consolidated affiliates  
6 Topsight Oregon, Inc. and Reed Slatkin Investment Club, L.P.; and (b) defendant  
7 Linda Rosen ("Rosen").

8 This Stipulation is made with respect to the following facts and circumstances:

9 1. In November 2003, the Trustee and Rosen entered into a Settlement  
10 Agreement and Mutual General Release (the "Settlement Agreement"), in which,  
11 among other things, Rosen agreed to pay to the Trustee the sum of \$3,488,488.56, plus  
12 interest, (the "Settlement Payment") as full satisfaction of the Trustee's claims against  
13 her.

14 2. In January 2004, the Trustee and Rosen entered into a stipulation to dismiss  
15 the adversary proceeding without prejudice.

16 3. As part of that stipulation, the Trustee and Rosen requested that the Court  
17 retain jurisdiction over the parties to this adversary proceeding for the purpose of  
18 vacating the dismissal without prejudice and entering a dismissal with prejudice,  
19 following payment of the Settlement Payment in full, upon a further stipulation of the  
20 Trustee and Rosen, or upon a noticed motion of Rosen.

21 4. On January 21, 2004, the Court dismissed the adversary proceeding without  
22 prejudice and retained jurisdiction as the parties requested. See Dkt No. 131.

23 5. Rosen has now paid the Settlement Payment in full, including interest.

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26 ///

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28 ///

1 **AGREEMENT**


2 NOW, THEREFORE, in accordance with the terms of the Settlement  
3 Agreement, the Trustee and Rosen request that the Court vacate its previous order  
4 dismissing this adversary proceeding without prejudice and enter an order dismissing  
5 this adversary proceeding with prejudice.

6 **IT IS SO STIPULATED.**

7 Dated: September 21, 2006

Danning, Gill, Diamond & Kollitz LLP

9 By:

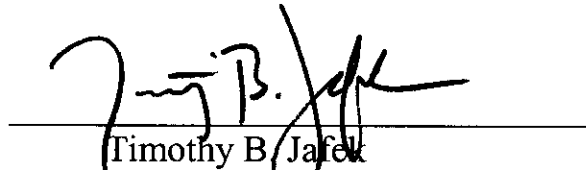


10 Richard D. Burstein  
11 Attorney for Linda Rosen

12 Dated: September 28, 2006

Kirkland & Ellis LLP

14 By:



15 Timothy B. Jafek  
16 Counsel for Plaintiff R. Todd Neilson, Trustee  
17 of the Estate of Reed E. Slatkin Liquidating  
18 Trust

19 **ORDER**

20 Based on the foregoing Stipulation, and good cause appearing therefor, the  
21 Court vacates its previous dismissal without prejudice of this Adversary Proceeding  
22 and now dismisses it with prejudice.

23 **IT IS SO ORDERED.**

24 Dated: \_\_\_\_\_, 2006

25 \_\_\_\_\_  
26 The Honorable Robin L. Riblet  
27 United States Bankruptcy Judge

**PROOF OF SERVICE**

I, Karol Tshabourian, declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of 18; my business address is Kirkland & Ellis LLP, 777 S. Figueroa Street, Los Angeles, CA 90017.

On September 29, 2006, I served the document(s) described as:

**STIPULATION TO VACATE DISMISSAL WITHOUT PREJUDICE AND ENTER DISMISSAL WITH PREJUDICE; AND ORDER THEREON**

on the interested parties in this action at the addresses set forth below:

[X] **[VIA U.S. MAIL]** By placing the documents listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am familiar with the firm's practice of collection and processing correspondence for mailing by depositing with the U.S. postal service on that same day with postage thereon fully prepaid in the ordinary course of business.

**ATTYS TO TRUSTEE OF LIQUIDATING TRUST**

John P. Reitman  
Gumport | Reitman  
550 S. Hope Street, Suite 825  
Los Angeles, CA 90071

**UNITED STATES TRUSTEE**

Brian Fittipaldi  
Office of the United States Trustee  
Staff Attorney  
128 East Carrillo Street  
Santa Barbara, CA 93101

**ATTY FOR DEBTOR**

Jay L. Michaelson, Esq.  
Joseph M. Sholder, Esq.  
Michaelson Susi & Michaelson  
7 West Figueroa Street, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101

**TRUSTEE OF LIQUIDATING TRUST**

R. Todd Neilson  
LECG  
2049 Century Park East  
Suite 2300  
Los Angeles, CA 90067

**ATTY FOR DEBTOR**

Richard Pachulski, Esq.  
Eric S. Kurtzman, Esq.  
Pachulski, Stang, Ziehl Young Jones  
10100 Santa Monica Blvd., Suite 1100  
Los Angeles, CA 90067

**ATTY FOR NET DEBTOR**

Richard Burstein  
Danning, Gill, Diamond & Kollitz, LLP  
2029 Century Park East, Third Floor  
Los Angeles, CA 90067

[X] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 29, 2006, at Los Angeles, California.

  
Karol Tshabourian

NOTE TO USERS OF THIS FORM:  
Physically attach this form as the last page of the proposed Order or Judgment.  
Do **not** file this form as a separate document.

In re REED E. SLATKIN, and Substantively Consolidated Affiliates TOPSIGHT OREGON and REED SLATKIN INVESTMENT CLUB, L.P.,  DEBTOR.	CHAPTER 11  CASE NUMBER: ND 01-11549-RR  ADVERSARY NUMBER: 02-1122
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**NOTICE OF ENTRY OF JUDGMENT OR ORDER  
AND CERTIFICATE OF MAILING**

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 9021-1 (a)(1)(E), that a judgment or order entitled,  
(*specify*):

**STIPULATION TO VACATE DISMISSAL WITHOUT PREJUDICE AND  
ENTER DISMISSAL WITH PREJUDICE; AND ORDER THEREON**

was entered on (*specify date*):

2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on (*specify date*):

DATED:

JON D. CERETTO  
Clerk of the Bankruptcy Court

by: \_\_\_\_\_

1 SERVICE LIST

2 UNITED STATES TRUSTEE

3 Brian Fittipaldi  
4 Office of the United States Trustee  
5 Staff Attorney  
6 128 East Carrillo Street  
7 Santa Barbara, CA 93101

8 ATTYS TO TRUSTEE OF LIQUIDATING TRUST

9 John P. Reitman  
10 Gumport | Reitman  
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12 Los Angeles, CA 90071

13 ATTY FOR DEBTOR

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15 Joseph M. Sholder, Esq.  
16 Michaelson Susi & Michaelson  
17 7 West Figueroa Street, 2<sup>nd</sup> Floor  
18 Santa Barbara, CA 93101

19 TRUSTEE OF LIQUIDATING TRUST

20 R. Todd Neilson  
21 LECG  
22 2049 Century Park East  
23 Suite 2300  
24 Los Angeles, CA 90067

25 ATTY FOR DEBTOR

26 Richard Pachulski, Esq.  
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ATTY FOR TRUSTEE OF LIQUIDATING TRUST

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