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10 **Attorneys for Plaintiff: EXYGY, LLC**

ENDORSED
FILED
San Francisco County Superior Court

OCT 11 2012

CLERK OF THE COURT
BY: GINA GONZALES
Deputy Clerk

11
12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF SAN FRANCISCO**

14 **GREATNONPROFITS,**
15 **Plaintiff,**
16 **vs.**
17 **EXYGY, LLC,**
18 **Defendant.**

19 Case No. CGC-12-524114

20 **[PROPOSED] ORDER DENYING**
21 **PLAINTIFF'S MOTION TO**
22 **STAY ARBITRATION**

23 Date: October 11, 2012

24 Time: 11:00 a.m.

25 Judge: Honorable Harold E. Kahn

26 Dept.: 302

1 Denied. Exygy did not waive arbitration by filing and prosecuting case
2 number 520971 against Mr. McManus. In that action, Exygy did not allege any
3 agency relationship between Mr. McManus and GreatNonprofits. Exygy asserted a
4 claim for intentional interference with contractual relations against Mr. McManus.
Mr. McManus is not a party to the Terms & Agreement or a party to the arbitration.

5 Dated: OCT 11 2012, ~~2012~~

6 By: HAROLD KAHN
7 Judge Harold E. Kahn

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