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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FRIENDLY CAPITAL PARTNERS, L.P.,  
a California Limited Partnership,

3:07-CV-00250-PMP-VPC

Plaintiff,

**ORDER**

vs.

BRENDA MONTGOMERY, DENNIS  
MONTGOMERY, and MONTGOMERY  
FAMILY TRUST,

Defendants.

AND ALL RELATED CASES.

The Court having read and considered Plaintiffs/Counterdefendants Friendly Capital Partners, L.P., Warren Trepp, and eTreppid Technologies, LLC's Motion to Strike Montgomery's Breach of Fiduciary Duty Claim (Fourth Claim for Relief) From Second Amended Counterclaim (Doc. #74) filed April 21, 2008, and Defendants/Counterclaimants Dennis Montgomery, Brenda Montgomery, and the Montgomery Family Trust's Statement of Non-Opposition to Counterdefendants' Motion to Strike Fourth Claim for Relief from Second Amended Counterclaim (Doc. #75) filed May 14, 2008, and good cause appearing,

///

1           **IT IS ORDERED** that Plaintiffs/Counterdefendants Friendly Capital Partners,  
2 L.P., Warren Trepp, and eTrepid Technologies, LLC's Motion to Strike Montgomery's  
3 Breach of Fiduciary Duty Claim (Fourth Claim for Relief) From Second Amended  
4 Counterclaim (Doc. #74) is GRANTED and that Montgomery's Breach of Fiduciary Duty  
5 Claim (Fourth Claim for Relief) (Doc. #72) is hereby stricken from the Montgomery Parties  
6 Second Amended Counterclaim.

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8 DATED: May 22, 2008.

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11 PHILIP M. PRO  
12 United States District Judge  
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