

1 STEPHEN E. TAYLOR (SBN 58452)  
JONATHAN A. PATCHEN (SBN 237346)  
2 TAYLOR & COMPANY LAW OFFICES, LLP  
One Ferry Building, Suite 355  
3 San Francisco, California 94111  
Telephone: (415) 788-8200  
4 Facsimile: (415) 788-8208  
E-mail: staylor@tcolaw.com  
5 E-mail: jpatchen@tcolaw.com

6 Attorneys for Defendant FITCH GROUP INC.  
(sued and served herein as Fimalac, Inc.)  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 MICHAEL BLOMQUIST,

12 Plaintiff,

13 v.

14 WASHINGTON MUTUAL, a Washington  
corporation; KERRY K. KELLINGER; JOSEPH  
15 W. SAUNDERS; COUNTRYWIDE HOME  
LOANS, INC., a Delaware corporation; ANGELO  
16 MOZILLO; WACHOVIA CORPORATION, a  
North Carolina corporation; KEN THOMPSON;  
17 CITIGROUP, a Delaware corporation;  
SANFORD WEILL; CHARLES PRINCE;  
18 GOLDMAN SACHS GROUP, INC., a Delaware  
corporation; HENRY PAULSON; BEAR  
19 STERNS COMPANIES, INC., a Delaware  
corporation; JAMES CAYNE; THE MCGRAW  
20 HILL COMPANY, INC., a Delaware corporation;  
HAROLD MCGRAW III; WELLS FARGO &  
21 COMPANY, a Delaware corporation; PATRICIA  
R. CALLAHAN; HERBERT M. SANDLER;  
22 ROCK HOLDINGS, INC., a Delaware  
corporation; EXPERIAN CORPORATION, a  
23 Delaware corporation; FIMALAC, INC., a  
Delaware corporation; MOODYS  
24 CORPORATION, a Delaware corporation;  
JAMES E. GILLERAN; JOHN M. REICH; JOHN  
25 D. HAWKE JR.; JOHN C. DUGAN; SUSAN  
SCHMIDT BIES; DONALD E. POWELL;  
26 SHEILA C. BAIR,

27 Defendants.  
28

Case No.: C-07-04108 JF (HRL)

**[PROPOSED] ORDER  
GRANTING FITCH GROUP,  
INC.'S MOTION TO DISMISS  
THE AMENDED COMPLAINT**

**[FED. RULE CIV. PROC. 12(b)(6)  
& 9(b)]**

Date: July 11, 2008  
Time: 9:00 A.M.  
Place: Courtroom 3, 5<sup>th</sup> Floor

Hon. Jeremy Fogel

1 The Motion to Dismiss of Fitch Group, Inc. ("Fitch Group") came on regularly for hearing  
2 before the Honorable Jeremy Fogel in Courtroom 3 of the above-captioned Court at 9:00 a.m., on  
3 July 11, 2008. Moving party Fitch Group was represented by Stephen E. Taylor of Taylor &  
4 Company Law Offices, LLP.

5 Having considered all papers filed by the parties in favor of and in opposition to Fitch  
6 Group's Motion to Dismiss, the oral arguments of counsel appearing at the hearing on this motion,  
7 and all other matters deemed appropriate by this Court, and good cause appearing therefor, IT IS  
8 HEREBY ORDERED that:

- 9 1. The Fitch Group's Motion to Dismiss the Amended Complaint is GRANTED; and
- 10 2. The Amended Complaint is DISMISSED in its entirety WITH PREJUDICE.

11  
12 IT IS SO ORDERED.

13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_ HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT COURT JUDGE