

APR 09 2001

LUTHER B. MICHAEL, Clerk
By: *[Signature]* Deputy Clerk

DUPLICATE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SUNTRUST BANK as Trustee of)
the Stephens Mitchell Trusts f/b/o Eugene)
Muse Mitchell and Joseph Reynolds Mitchell)
))
Plaintiff,)
))
v.)
))
HOUGHTON MIFFLIN COMPANY,)
))
Defendant.)
_____)

Civil Action File
No. 1:01 CV-701-CAP

STIPULATION AND ORDER

The parties through counsel hereby stipulate and agree as follows.

1.

Plaintiff has proposed that the hearing on its pending motion for a preliminary injunction, set for April 18, 2001, proceed on written submissions only and without live witness testimony.

2.

Defendant has agreed to plaintiff's proposal on the conditions that written submissions (to include any supplemental initial affidavits, declarations, memoranda of law or other papers) be served on and received by opposing counsel and the court no later than 5:00 P.M. on April 12, 2001; and that reply written submissions, if any, be served on and received by opposing counsel and the court no later than 5:00 P.M. on April 16, 2001.

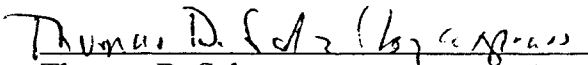
3.

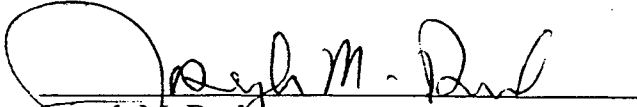
This stipulation is conditioned on oral argument being granted on April 18, 2001 to each side of not less than one hour each.

DATED this 6th day of April, 2001.

FRANKFURT GARBUS KURNIT KLEIN & SELZ, P.C.

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Attorneys for Defendant

ORDER

The court having reviewed and approved the foregoing stipulations and conditions, it is so ordered this 9 day of April, 2001.

