

Gordon & Rees LLP  
111 W. Monroe Street Suite 1600  
Phoenix, AZ 85003

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**SUPERIOR COURT OF ARIZONA**  
**MARICOPA COUNTY**

PRIMUS PHARMACEUTICALS, INC., )  
a Delaware corporation, )  
Plaintiff, )  
vs. )  
RAYMOND DUGAN PRATER, )  
Defendant. )

CASE NO. CV2012-001143

**ORDER DISMISSING ALL  
PARTIES AND ALL CLAIMS  
WITH PREJUDICE**

(Hon. Arthur Anderson)

Pursuant to the Stipulation to Dismiss all Parties and all Claims with Prejudice, and for good cause appearing,

IT IS HEREBY ORDERED as follows:

1. All Settling Parties are bound by the terms and provisions of the Mediation Settlement Memorandum entered into between the parties.
2. This case/action is dismissed with prejudice and all claims are dismissed with prejudice with each Party to bear its/his own attorneys' fees and costs.
3. Timely payment of the settlement sum of \$200,000 and compliance with the other settlement obligations set forth in the Mediation Settlement Memorandum is required. Copies of the First Amended Complaint and Exhibit 1 to the Mediation Settlement Memorandum are attached hereto.
4. Mr. Prater will not, for twelve (12) months from March 7, 2013, solicit or

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recruit any current or former Primus employee (someone whose separation occurred less than six (6) months prior to March 7, 2013) for the purpose of providing services that are the same, similar or related to the services the current or former employee provided for Primus regardless of whether the new company has products or services competing with Primus.

- 5. Section II(E) of the Confidentiality, Non-Solicitation, Non-Compete Agreement between Mr. Prater and Primus remains in full force and effect.
- 6. All Protective Orders entered in this lawsuit, and in the separate discovery actions involving Brian Stewart, Brad Dreyer, Kim Costanzo, Rob Healy and SuccessEHS, will survive and remain enforceable.

Dated this \_\_\_\_ day of April 2013.

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The Honorable Arthur Anderson

# eSignature Page 1 of 1

Filing ID: 5246379 Case Number: CV2012-001143  
Original Filing ID: 5200769

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Granted as Submitted



/S/ Arthur Anderson Date: 5/10/2013  
Judicial Officer of Superior Court

**Endorsement Page**

Case Number: CV2012-001143

Signature Date: 5/10/2013

E-Filing ID #: 5246379

Filed Date: 5/15/2013 8:00:00 AM

David L O'Daniel

Stacy M Gabriel