

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

WALMART INC. (f/k/a WAL-MART STORES,
INC.),

Plaintiff,

- against -

TESLA ENERGY OPERATIONS, INC. (f/k/a
SOLARCITY CORPORATION),

Defendant.


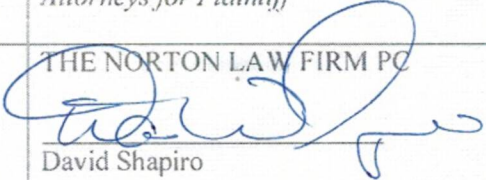
Index No.: 654765/2019

**VOLUNTARY
DISCONTINUANCE WITHOUT
PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Walmart Inc. (f/k/a Wal-Mart Stores, Inc.) (“Walmart”) and Defendant Tesla Energy Operations, Inc. (f/k/a SolarCity Corporation), by their duly authorized attorneys of record in this action, as follows:

1. Pursuant to CPLR 3217(a)(2), Walmart’s Complaint is voluntarily discontinued without prejudice as to Defendant Tesla. No party to this action is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action.

2. This stipulation may be executed in two or more counterparts, each of which shall be considered the same as if a single document shall have been executed, but shall become effective when such counterparts have been signed by each of the parties hereto and delivered to counsel for the other party.

DATED: November <u>4</u> , 2019	DAVIS POLK & WARDWELL  James P. Rouhandeh Paul S. Mishkin 450 Lexington Avenue New York, New York 10017 (212) 450-4000 rouhandeh@davispolk.com paul.mishkin@davispolk.com <i>Attorneys for Plaintiff</i>
DATED: November <u>4</u> , 2019	THE NORTON LAW FIRM PC  David Shapiro The Norton Law Firm PC 299 Third Street, Suite 106 Oakland, CA 94607 (510) 906-4900 dshapiro@nortonlaw.com <i>Attorneys for Defendant</i>

So Ordered:

J.S.C.