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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SUMMIT ON SIXTH HOMEOWNERS ASSOCIATION, a California nonprofit mutual benefit corporation,

Plaintiff,

vs.

BIG ROCK PARTNERS, LLC, a Delaware limited liability company; AZ 3223 6th STREET, LLC, a Delaware limited liability company; BOVIS LEND LEASE, a New York Corporation; and DOES 1 through 400 inclusive,

Defendants.

LEND LEASE U.S. CONSTRUCTION, INC., s/h/a BOVIS LEND LEASE, a Florida corporation,

Third Party Complainant,

vs.

BREEN ENGINEERING, INC., a California corporation and VAN TILBURG, BANVARD & SODERBERGH, INC., a California corporation,

Third Party Defendants.

LEXINGTON INSURANCE COMPANY

Intervenor.

Case No.: 2:14-cv-07114-BRO-SS

Judge: Beverly Reid O’Connell
Crtrm.: 7C

ORDER RE: STIPULATION OF DISMISSAL

1 The Parties have reached a settlement in the Action.

2 Based on the facts stated in the Stipulation of Dismissal, the Parties stipulate
3 and agree as follows:

4 1. This Court should dismiss the above-captioned Actions and Claims in
5 their entirety, with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), *EXCEPT* for
6 Lend Lease's Cross-Claim Count I for Breach of Contract against 6th Street and
7 Cross Claim Count II for Breach of the Implied Covenant of Good Faith and Fair
8 Dealing against 6th Street, which should be dismissed without prejudice. Each Party
9 is to bear its own fees and costs.

10 2. All upcoming hearings and deadlines are hereby vacated and the Action
11 is hereby terminated.


12 Pursuant to the Stipulation of the Parties, IT IS SO ORDERED. The Clerk is
13 directed to close this case.

14 IT IS SO ORDERED.

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16 DATED: May 12, 2017

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18 By: 
19 Honorable Beverly R. O'Connell
20 United States District Court Judge

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