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6 Attorneys for Plaintiff and Counterdefendant
ECONO LUBE N' TUNE, INC.

FILED - SOUTHERN DIVISION
CLERK, U.S. DISTRICT COURT
NOV - 3 2009
CENTRAL DISTRICT OF CALIFORNIA
BY _____ DEPUTY

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

11 ECONO LUBE N' TUNE, INC., a
Delaware corporation,
12
13 Plaintiff,
14 v.
15 ROBERT GERZ, an individual; and
DOES 1 through 10, inclusive,
16 Defendants.

Case No. SACV08-00598 CJC (MANx)
**STIPULATION TO DISMISS
ENTIRE ACTION WITH
PREJUDICE**
[Fed. R. Civ. P. 41(a)(1)(A)(ii)] ; *ORDER*
THEERON
Hon. Cormac J. Carney

17 **AND RELATED COUNTER-CLAIMS**

Discovery cut-off: August 19, 2009
Pretrial conference: November 2, 2009
Trial: November 10, 2009

19
20 This Stipulation, entered into by and among Plaintiff and Counterdefendant
21 ECONO LUBE N' TUNE, INC. ("Econo Lube"), and Defendant ROBERT GERZ
22 ("Gerz"), who collectively comprise all parties who have appeared in the above-
23 captioned action (the "Parties"), is made pursuant to Rule 41(a)(1)(A)(ii) of the
24 Federal Rules of Civil Procedure with reference to the following recitals:

25 **WHEREAS**, Econo Lube filed its Complaint commencing the above-
26 captioned action on May 29, 2008;

27 **WHEREAS**, Gerz filed his Counterclaim against Econo Lube and Driven
28 Brands, Inc. on or about August 22, 2008;

1 **WHEREAS**, on September 17, 2009, the Parties settled their dispute during a
2 mediation before Hon. John Leo Wagner at Judicate West; and,

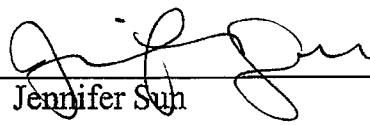
3 **WHEREAS**, the Parties desire to stipulate to the dismissal, with prejudice, of
4 Econo Lube's claims and causes of action against Gerz, and Gerz's counterclaims
5 and causes of action against Econo Lube and Driven Brands, Inc.

6 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the
7 Parties, through their designated counsel of record, that the claims asserted by
8 Econo Lube in the above-captioned action be and hereby are dismissed with
9 prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

10 **IT IS FURTHER STIPULATED** by and between the Parties, through their
11 designated counsel of record, that the counterclaims of Gerz in the above-captioned
12 action be and hereby are dismissed with prejudice pursuant to Rule 41(a) of the
13 Federal Rules of Civil Procedure.

14
15 DATED: October 28, 2009

HEWITT & O'NEIL LLP
LAWRENCE J. HILTON
JENNIFER SUN

17
18 By: 
Jennifer Sun

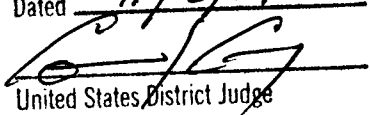
Attorneys for Plaintiff and Counterdefendant
ECONO LUBE N' TUNE, INC.

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20
21 DATED: October 28, 2009

WASSERMAN, COMDEN & CASSELMAN
LLP
I. DONALD WEISSMAN

22
23
24 By: 
I. Donald Weissman

Attorneys for Defendant and Counterclaimant
ROBERT GERZ

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IT IS SO ORDERED
Dated 11/3/09

United States District Judge