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9 Attorneys for Plaintiffs  
10 FLAGSHIP WEST, LLC, MARVIN G. REICHE  
11 and KATHLEEN REICHE

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA (FRESNO)

14 FLAGSHIP WEST, LLC, a California  
15 limited liability company, MARVIN G.  
16 REICHE, and KATHLEEN REICHE,

17 Plaintiffs,

18 v.

19 EXCEL REALTY PARTNERS, L.P., a  
20 Delaware limited partnership, NEW  
21 PLAN EXCEL REALTY TRUST, INC.,  
22 a Maryland corporation, and DOES 1  
23 through 50, inclusive,

24 Defendants.

Case No.: 1:02-CV-05200-LJO-DLB

**STIPULATION FOR VOLUNTARY  
DISMISSAL PURSUANT TO FEDERAL  
RULES OF CIVIL PROCEDURE, RULE  
41(a)(A)(ii)**

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1 It is hereby stipulated by and between **FLAGSHIP WEST LLC and MARVIN G.**  
2 **REICHE** and **KATHLEEN REICHE** (collectively “**PLAINTIFFS**”) and **EXCEL REALTY**  
3 **PARTNERS LP** and **BRIXMOR LLC**, as successor in interest to **NEW PLAN EXCEL**  
4 **REALTY TRUST, INC.** (collectively “**DEFENDANTS**”), that the Second Amended Complaint  
5 filed by Plaintiffs and all claims asserted therein, be **DISMISSED WITH PREJUDICE**.

6 **IT IS SO STIPULATED:**

7 Dated: September 11, 2013

TRAINOR FAIRBROOK

9 By: /s/ John D. Fairbrook

10 JOHN D. FAIRBROOK, Attorneys for  
11 Plaintiffs

12 Dated: September 19, 2013

/s/ Christopher N. Jones

13 CHRISTOPHER N. JONES, Attorney for  
14 Defendants

15 **ORDER**

16 Based on the stipulation of the parties pursuant to Federal Rule of Civil Procedure, Rule  
17 41(a)(A)(ii), Plaintiffs' Second Amended Complaint and all claims asserted therein are hereby  
18 **DISMISSED WITH PREJUDICE**. The clerk is directed to close this action.  
19

22 **IT IS SO ORDERED.**

23 Dated: **September 19, 2013**

24 **/s/ Lawrence J. O'Neill**  
25 **UNITED STATES DISTRICT JUDGE**