

## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA FRESNO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN C. LYON, et al.,

Defendants.

Case No. 07-CV-00491 LJO GSA

**ORDER RE JOINT DISMISSAL  
WITHOUT PREJUDICE OF SECOND  
AMENDED JOINT THIRD-PARTY  
COMPLAINT OF STEPHEN C. LYON,  
SUZANNE S. LYON, RUSSELL R.  
TONDA, AND DIANE M. TONDA  
AGAINST CERTAIN THIRD PARTY  
DEFENDANTS**

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AND RELATED COUNTER-CLAIMS,  
CROSS-CLAIMS AND THIRD PARTY  
CLAIMS.STEPHEN C. LYON; SUZANNE S.  
LYON; RUSSELL R. TONDA' DIANE M.  
TONDA

Third-Party Plaintiffs

vs.

THE DOW CHEMICAL COMPANY, et al.,

Third-Party Defendants,

On January 8, 2009 Defendants, Cross-Complainants, Cross-Defendants, and  
Third-Party Plaintiffs Stephen C. Lyon, Suzanne S. Lyon, Russell R. Tonda, and Diane M  
Tonda jointly requested, pursuant to Federal Rules of Civil Procedure 41(a) and 41(c), and

1 Local Rule 5-137(b), to voluntarily dismiss their 3<sup>rd</sup> Party Complaint filed on or about May  
2 29, 2008, without prejudice, as to 3<sup>rd</sup>-Party Defendants Adam Hart, Jack Hart, Estate of Harry  
3 Halford, Dawine D. Harford, Hillary's Auto Sales, Sark's Auto Sales, Modesto Mazda &  
4 Isuzu, Rule Dale Mitsubishi & Hyundia, Transmatic Transmissions, Inc., Transmatic  
5 Automotive & Smog, Inc., and Joe's Automotive Center only, with each party to bear its own  
6 fees and costs.

7 As the above parties have not yet served a responsive pleading, the request is  
8 GRANTED.

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10 IT IS SO ORDERED.  
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12 DATED: 1/9/2009 \_\_\_\_\_ /s/ LAWRENCE J. O'NEILL \_\_\_\_\_  
13 HONORABLE LAWRENCE J. O'NEIL  
14 UNITED STATES DISTRICT JUDGE  
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