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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

CASE NO. CV F 07-0491 LJO GSA

Plaintiff,

**ORDER TO DISMISS WITH PREJUDICE
THIRD-PARTY CLAIMS AGAINST
THIRD-PARTY DEFENDANT R.R. STREET
& CO.**

vs.

STEPHEN C. LYON, et al.,

Defendants.

AND RELATED CROSS-ACTIONS AND
THIRD-PARTY ACTIONS.

Pursuant to Fed. R. Civ. P. 41(a)(2) and 41(c), and Local Rule 83-143, third-party defendant R.R. Street & Co. (“Street”), defendants/third-party plaintiffs Stephen C. Lyon, Suzanne S. Lyon, Russell R. Tonda, and Diane M. Tonda (“Lyons/Tondas”) and defendant/third-party plaintiff Rajendra Jamnadas, personal representative of the Estate of Shantilal Jamnadas (“Jamnadas”) request this Court to enter an order dismissing with prejudice the third-party claims asserted against Street by the Lyon/Tondas and by Jamnadas. The Lyon/Tondas and Jamnadas desire to dismiss with prejudice all of their third-party claims against Street. Street has no objection to the voluntary dismissal. The parties agree that each will bear its own costs with respect to the third-party claims against Street.

In addition, the parties point out that there is a pending summary judgment motion filed by Street against the Lyons/Tondas and Jamnadas (Doc. 374), and agree that this stipulation to dismiss terminates the pending summary judgment motion.

Based on the parties’ September 24, 2009 stipulation to dismiss (Doc. 380), this Court:

1. DISMISSES with prejudice the third-party claims asserted against R.R. Street & Co.

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asserted by the Lyons/Tondas and by Jamnadas, each party to bear its own costs;

- 2. DIRECTS the clerk of court to terminate R.R. Street & Co. as a third-party defendant in this action; and
- 3. VACATES the October 27, 2009 hearing on Street's motion for summary judgment; and
- 4. DIRECTS the clerk of court to terminate Street's motion for summary judgment (Doc. 374).

IT IS SO ORDERED.

Dated: September 25, 2009

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