

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

7 UNITED STATES OF AMERICA, CASE NO. CV F 07-0491 LJO GSA

8 Plaintiff, \_\_\_\_\_ **ORDER TO DISMISS WITH PREJUDICE**  
9 vs. **THIRD-PARTY CLAIMS AGAINST**  
THIRD-PARTY DEFENDANT R.R. STREET  
& CO.

10 || STEPHEN C. LYON, et al.,

## Defendants.

12 AND RELATED CROSS-ACTIONS AND  
13 THIRD-PARTY ACTIONS.

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

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

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

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

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

2 2. DIRECTS the clerk of court to terminate R.R. Street & Co. as a third-party defendant in

3 this action; and

4 3. VACATES the October 27, 2009 hearing on Street's motion for summary judgment; and

5 4. DIRECTS the clerk of court to terminate Street's motion for summary judgment (Doc.

6 374).

7 IT IS SO ORDERED.

8 Dated: September 25, 2009

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

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