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10 Counsel for Third-Party Defendant
 R.R. STREET & CO. INC.

11
 12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA
 14 FRESNO DIVISION

15 UNITED STATES OF AMERICA,)	No. 1:07-cv-00491-LJO-GSA
)	
16 Plaintiff,)	
)	JOINT REQUEST FOR VOLUNTARY
17 v.)	DISMISSAL WITHOUT PREJUDICE OF
)	M.B.L. INC.’S CROSS-CLAIM AGAINST
18 STEPHEN C. LYON, et al.,)	THIRD-PARTY DEFENDANT R.R.
)	STREET & CO. INC.
19 Defendants/Third-Party Plaintiffs,)	[Fed. R. Civ. P. 41(a)(2), (c); L.R. 143]
)	
20 v.)	
)	
21 THE DOW CHEMICAL COMPANY, et al.,)	
)	
22 Third-Party Defendants,)	
)	
23 AND ALL RELATED CROSS-CLAIMS)	
24 AND THIRD-PARTY CLAIMS.)	

25 Pursuant to Federal Rule of Civil Procedure 41(a)(2), (c) and Local Rule 143, Third-Party
 26 Defendant R.R. Street & Co. Inc. (“Street”) and Third-Party Defendant/Cross-Claimant M.B.L. Inc.
 27 (“MBL”) respectfully request that the Court enter an order dismissing without prejudice MBL’s
 28 cross-claim against Street. In support of this request, Street and MBL would show the following:

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1 1. MBL's operative cross-claim (Doc. 139, filed Jan. 28, 2008) asserts a cross-claim
2 against Street (among other parties).

3 2. Street has filed a motion for summary judgment on this cross-claim (Doc. 415, filed
4 Dec. 8, 2009), which motion is currently set for hearing on February 11, 2010, at 8:30 a.m.

5 3. MBL desires to dismiss without prejudice its cross-claim against Street pursuant to
6 Federal Rule 41(a)(2), as made applicable by Rule 41(c). Street has no objection to such voluntary
7 dismissal.

8 4. Street and MBL agree that they will bear their own costs with respect to the afore-
9 mentioned cross-claim.

10 5. The dismissal of MBL's cross-claim against Street will terminate the last remaining
11 claim for relief asserted against Street in this action.

12 Accordingly, the parties hereto respectfully request that this Court

13 (A) enter an order dismissing without prejudice MBL's cross-claim against Street, with
14 the parties to bear their own costs with respect to such claim;

15 (B) terminate Street's pending motion for summary judgment against MBL and vacate
16 the scheduled hearing thereon; and

17 (C) direct the Clerk of Court to terminate R.R. Street & Co. Inc. as a party to this action.

18 Dated: December 21, 2009.

19 Respectfully submitted,

20 /s/ Eric Grant

Eric Grant

John B. Thomas

Brian M. Keller

Hicks Thomas LLP

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22
23 Counsel for Third-Party Defendant
R.R. STREET & CO. INC.

24 HAMRICK & EVANS, LLP

25 By: /s/ Douglas K. Lackey

(as authorized on this date)

26 A. RAYMOND HAMRICK, III

27 DOUGLAS K. LACKEY

28 Attorneys for THIRD PARTY
DEFENDANT M.B.L. INC.

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IT IS SO ORDERED.

Date: December 23, 2009

/s/ Lawrence J. O'Neill
Hon. Lawrence J. O'Neill
United States District Judge

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