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5 Attorneys for Defendant  
 6 GOSS JEWETT COMPANY OF NORTHERN CALIFORNIA, INC.

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 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff(s),

13 vs.

14 STEPHEN C. LYON, et al.

15 Defendants.

(ASBESTOS)

Case No. 1:07-CV-00491-LJO-GSA

**JOINT STIPULATION FOR  
 VOLUNTARY DISMISSAL WITHOUT  
 PREJUDICE OF STEPHEN LYON,  
 SUZANNE S. LYON, RUSSELL R.  
 TONDA AND DIANE M. TONDA'S  
 CROSS-CLAIM AGAINST THIRD-  
 PARTY DEFENDANT AND CROSS-  
 CLAIMANT GOSS-JEWETT COMPANY  
 OF NORTHERN CALIFORNIA, INC.  
 [Fed.R.Civ.Proc.41(a)(2); L.R. 83-143]**

20 AND ALL RELATED CROSS-ACTIONS

22 Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Local Rule 83-143,  
 23 Third-Party Defendants and Cross-Claimants Stephen C. Lyon, Suzanne S. Lyon  
 24 ("Lyons), Russell R. Tonda and Diane M. Tonda ("Tondas") respectfully request that this  
 25 Court enter an order dismissing without prejudice Lyons' and Tondas' cross-claim  
 26 against Goss-Jewett Company of Northern California, Inc. ("Goss-Jewett"). In support of  
 27 this request, the Lyons, Tondas and Goss-Jewett would show the following:

- 28 1. Lyons/Tondas operative cross-claim asserts a cross-claim against Goss-Jewett.

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- 2. Lyons/Tondas desires to dismiss without prejudice its cross-claim against Goss-Jewett pursuant to Federal Rule 41 (a)(2), as made applicable by Rule 41(c). Goss-Jewett has no objection to such voluntary dismissal.
- 3. Lyons/Tondas and Goss-Jewett agree that they will bear their own costs with respect to the aforementioned cross-claim.
- 4. The dismissal of Lyons/Tondas' cross-claim against Goss-Jewett will leave only one remaining claim for relief involving Goss-Jewett in this action.

Accordingly, the parties hereto respectfully request that this Court enter an order Dismissing without prejudice Lyons/Tondas' cross-claim against Goss-Jewett, with the parties to bear their own costs with respect to such claim.

DATED: February \_\_, 2010

BRYDON HUGO & PARKER

By: \_\_\_\_\_/s/\_\_\_\_\_  
 Roland E. Thé  
 Josette D. Johnson

Attorneys for Third Party Defendant,  
 Cross-Defendant and Cross-Claimant  
 GOSS-JEWETT COMPANY OF  
 NORTHERN CALIFORNIA, INC.

DATED: March \_\_, 2010

ROGERS JOSEPH O'DONNELL

By: \_\_\_\_\_/s/\_\_\_\_\_  
 Aaron Silberman  
 Zachary M. Radford

Attorneys for Third Party Defendants,  
 Cross-Defendants and Cross-Claimants  
 STEPHEN C. LYON; SUZANNE S.  
 LYON; RUSSELL R. TONDA; DIANE M.  
 TONDA

IT IS SO ORDERED.

Date: \_March 3, 2010

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