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 10 and Cross-Claimant M.B.L. INC.

11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

HAMRICK & EVANS, LLP

13 UNITED STATES OF AMERICA, )  
 14 )  
 15 Plaintiff, )  
 16 )  
 17 vs. )  
 18 )  
 19 STEPHEN C. LYON; SUZANNE S. LYON; )  
 20 RUSSELL R. TONDA; DIANE M. TONDA; )  
 21 RAJENDRA JAMNADAS, personal )  
 22 representative of the ESTATE OF )  
 23 SHANTALIL JAMNADAS, )  
 24 )  
 25 Defendants. )

Case No. CV F 07-0491 LJO NEW

**ORDER RE DISMISSAL WITHOUT  
 PREJUDICE OF COUNTER CLAIM OF  
 M.B.L., INC. AGAINST CROSS-  
 DEFENDANTS OCCIDENTAL  
 CHEMICAL CORPORATION AND PPG  
 INDUSTRIES, INC. ONLY**

26 M.B.L., INC., )  
 27 )  
 28 Counter-Claimant, )

29 vs. )  
 30 )  
 31 THE CITY OF MODESTO; THE DOW )  
 32 CHEMICAL COMPANY; E.I. DUPONT DE )  
 33 NEMOURS AND COMPANY; VULCAN )  
 34 MATERIALS COMPANY; OCCIDENTAL )  
 35 CHEMICAL CORPORATION; PPG )  
 36 INDUSTRIES, INC.; R.R. STREET & )  
 37 COMPANY, INC.; GOSS JEWETT CO. OF )  
 38 NORTHERN CALIFORNIA; AMERICAN )  
 39 LAUNDRY MACHINERY, INC. DBA AJAX )  
 40 MANUFACTURING DIVISION & MARTIN )  
 41 EQUIPMENT & MCGRAW EDISON )  
 42 COMPANY, AS SUCCESSOR TO COOPER )  
 43 INDUSTRIES; BOWE PERMAC, INC.; )

1 ECHCO SALES AND EQUIPMENT CO., )  
INC.; TECHNICHEM; VAN WATERS AND )  
2 ROGERS; ADAM HART; JACK HART; )  
DAWINE D. HALFORD; HILLARY'S AUTO )  
3 SALES; SARK'S AUTO SALES; MODESTO )  
MAZDA & ISUZU; RULE DALE )  
4 MITSUBISHI & HYUNDAI; TRANSMATIC )  
TRANSMISSION AUTOMOTIVE; and JOE'S )  
5 AUTOMOTIVE CENTER, )

6 Cross-Defendants. )

7 \_\_\_\_\_ )  
8 AND RELATED COUNTER AND CROSS- )  
CLAIMS. )

9 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

10 PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(I)  
11 and 41(c)(1), Third Party Defendant, Counter-Claimant and Cross-Claimant M.B.L., INC. hereby  
12 requests dismissal, without prejudice, of its Counter-Claim filed on or about January 28, 2008, as to  
13 Cross-Defendants OCCIDENTAL CHEMICAL CORPORATION ("OCCIDENTAL") and PPG  
14 INDUSTRIES, INC. ("PPG") only, with each party to bear its own fees and costs.

15 DATED: May 23, 2011

HAMRICK & EVANS, LLP

16 /s/ *Kenneth A. Hearn*

17 By:

18 \_\_\_\_\_  
19 A. RAYMOND HAMRICK, III  
20 KENNETH A. HEARN  
21 DOUGLAS K. LACKEY  
Attorneys for THIRD PARTY  
DEFENDANT, COUNTER-CLAIMANT AND  
CROSS-CLAIMANT M.B.L. INC.

22 **ORDER**

23 The clerk is direct not to close this action.

24 IT IS SO ORDERED.

25 Dated: May 24, 2011

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