

1 Richard S. Baron (*admitted pro hac vice*)
 Brian H. Phinney (*admitted pro hac vice*)
 2 Foley, Baron & Metzger, PLLC
 38777 6 Mile Road, Suite 300
 3 Livonia, MI 48152
 Telephone: (734) 742-1800
 4 Email: rbaron@fbmlaw.com
 5 bphinney@fbmlaw.com

6 Attorneys for HOYT CORPORATION

7 Kurt F. Vote, # 160496
 Mandy L. Jeffcoach, # 232313
 8 McCormick Barstow LLP
 5 River Park Place East
 9 P.O. Box 28923
 10 Fresno, CA 93720
 Telephone: (559) 433-1300
 11 Email: kurt.vote@mccormickbarstow.com
 12 mandy.jeffcoach@mccormickbarstow.com

13 Local Counsel for Defendant HOYT CORPORATION

14 UNITED STATE DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

16 RODNEY SCHULTZ AND PATRICIA
 17 SCHULTZ,

18 Plaintiffs,

19 vs.

20 SAKAYE ICHIMOTO, et al,

21 Defendants.

No. CIV F-1:08-cv-00526 OWW-SMS

**JOINT REQUEST FOR VOLUNTARY
 DISMISSAL WITHOUT PREJUDICE OF
 DEFENDANT HOYT CORPORATION**

[Fed. R. Civ. P. 41(a)(2), (c); L.R. 83-143]

22 _____
 23 AND RELATED CROSS-ACTIONS.

24
 25 Pursuant to Federal Rule of Civil Procedure 41(a)(2), (c) and Local Rule 83-143,
 26 Plaintiffs and Defendant Hoyt Corporation (“Hoyt”) respectfully request that the Court enter an
 27 order dismissing without prejudice Plaintiffs’ Complaint against Hoyt and dismissing without
 28

1 prejudice Hoyt's Counterclaim against Plaintiffs. In support of this request, Plaintiffs and Hoyt
2 would show the following:

- 3 1. Plaintiffs' Complaint (Doc. 1, filed April 16, 2008), asserts claims against Hoyt
4 (among other parties).
- 5 2. Plaintiffs desire to dismiss without prejudice all of their claims against Hoyt
6 pursuant to Federal Rule of Civil Procedure 41(a)(2).
- 7 3. Hoyt desires to dismiss without prejudice all of its counterclaims against Plaintiffs
8 pursuant to Federal Rule of Civil Procedure 41(c).
- 9 4. The parties hereto agree that they will bear their own costs with respect to the
10 aforementioned claims and counterclaims.
11

12 Accordingly, the parties hereto respectfully request that this Court enter an order
13 dismissing without prejudice the Plaintiffs' claims asserted against Hoyt and dismissing without
14 prejudice Hoyt's counterclaims asserted against Plaintiffs.
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16 Dated: February 19, 2010

FOLEY, BARON & METZGER, PLLC

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19 By: /s/ Brian H. Phinney
RICHARD S. BARON
BRIAN H. PHINNEY
Attorneys for Defendant Hoyt
Corporation
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22
23 Dated: February 20, 2010

SCHARFF, BRADY & VINDING

24
25 By: /s/ Jeffory J. Scharff
JEFFORY J. SCHARFF
Attorneys for Plaintiffs and Cross-
26 Defendants RODNEY SCHULTZ and
27 PATRICIA SCHULTZ
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IT IS SO ORDERED.

Dated: February 23, 2010

**/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE**