

**FILED**

DEC 18 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_  
DEPUTY CLERK

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David J. Frankenberger, #186140  
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5 Attorneys for Plaintiff/Counterdefendant/Counterclaimant/Cross-Defendant/Cross-  
Claimant/Third Party Plaintiff RANDY'S TRUCKING, INC., Plaintiff STAR INSURANCE  
6 COMPANY, and Cross-Defendant/Counterclaimant/Cross-Claimant/Third Party Plaintiff  
FERNANDO M. SANDOVAL  
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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

10  
11 RANDY'S TRUCKING, INC. and STAR  
INSURANCE COMPANY,

12  
13 Plaintiffs,

14 v.

15 CITY OF SHAFTER, etc., et al,

16  
17 Defendants  
Randy's Trucking, Inc. et al v. National Railroad Passenger Corporation et al

Case No. 1:08-CV-00819 OWW DLB

18 **STIPULATION OF DISMISSAL AND**  
19 **ORDER THEREON**

20  
21 AND RELATED ACTIONS, CROSS-  
22 ACTIONS, AND THIRD PARTY ACTIONS

23 IT IS HEREBY STIPULATED, by and between Michael D. Ott, Esq., for Plaintiff,  
24 Counterdefendant, Counterclaimant, Cross Defendant, Cross Claimant, Third Party Plaintiff,  
25 Randy's Trucking, Inc., Plaintiff Star Insurance Company, and Cross-Defendant, Counterclaimant,  
26 Cross-Claimant, Third Party Plaintiff, Fernando M. Sandoval, and Larry Peake, for Third Party  
27 Defendant, Cross-Defendant, and Counter Defendant, City of Shafter, that the above consolidated  
28 action be and hereby is dismissed with prejudice, as to City of Shafter only, pursuant to Federal  
Rules of Civil Procedure 41(a)(1) and (2) to include the following actions:

1 Randy's Trucking, Inc., et al. v. City of Shafter, et al.  
2 USDC Consolidated Case No. 1:08-CV-00819 OWW DLB

3 Roi Smith v. Randy's Trucking, Inc., et al.  
4 USDC Case No. 1:09-CV-00211 OWW DLB  
5 Consolidated with 1:08-CV-00819 OWW DLB

6 Robert Garcia, et al. v. Amtrak, et al.  
7 USDC Case No. 1:09-CV-00331 OWW DLB  
8 Consolidated with 1:08-CV-00819 OWW DLB

9  
10 Each party will bear its own costs and attorneys fees.

11 DATED: December 17, 2009

ERICKSEN ARBUTHNOT

12  
13 By /s/ Michael D. Ott

Michael D. Ott

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Counterclaimant/Cross-Defendant/Cross-

Claimant/Third Party Plaintiff RANDY'S

TRUCKING, INC., Plaintiff STAR

INSURANCE COMPANY, and Cross-

Defendant/Counterclaimant/Cross-

Claimant/Third Party Plaintiff

FERNANDO M. SANDOVAL

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DATED: December 4, 2009

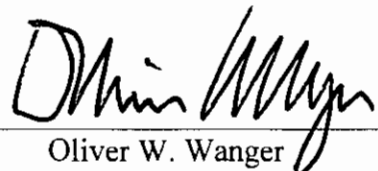
WALL, WALL & PEAKE

By: /s/ Larry Peake  
Larry Peake  
Attorneys for Third Party Defendant  
Cross-Defendant, Counter Defendant,  
CITY OF SHAFTER

\*\*\*\*\*  
ORDER

IT IS SO ORDERED.

DATED: 12-18, 2009

  
\_\_\_\_\_  
Oliver W. Wanger  
United States District Judge