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7 Attorneys for MULTIMATIC CORPORATION, now known as THE KIRRBERG  
 CORPORATION, MULTIMATIC LLC, and THE KIRRBERG CORPORATION,  
 8 formerly known as MULTIMATIC CORPORATION

9  
 10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

12 TEAM ENTERPRISES, LLC,

1:08-cv-00872-LJO-SMS

13  
 14 v.

Hon. Lawrence J. O’Neill

15 WESTERN INVESTMENT REAL  
 ESTATE TRUST, et al.,

16  
 17 Defendants.

**JOINT STIPULATION FOR  
 VOLUNTARY DISMISSAL  
 WITHOUT PREJUDICE OF  
 VULCAN MATERIALS  
 COMPANY AND  
 LEGACY VULCAN CORP.’S  
 CROSSCLAIMS AGAINST  
 MULTIMATIC CORPORATION,  
 MULTIMATIC LLC, AND THE  
 KIRRBERG CORPORATION;  
 ORDER**

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

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 21  
 22 TEAM ENTERPRISES, INC.,

23  
 24 v.

25 LEGACY VULCAN CORP., et al.,

26  
 27 Defendants.

28 AND RELATED ACTIONS.

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Local Rule 83-143, MULTIMATIC CORPORATION, now known as THE KIRKBERG CORPORATION, MULTIMATIC LLC, and THE KIRKBERG CORPORATION, formerly known as MULTIMATIC CORPORATION (collectively "Multimatic") and VULCAN MATERIALS COMPANY and LEGACY VULCAN CORP. (jointly "Vulcan") hereby stipulate and respectfully request that this Court enter an order dismissing without prejudice Vulcan's crossclaims, filed January 6, 2009 (Doc. 117) against Multimatic, in view of this Court's Order on Multimatic's Motion for Judgment on the Pleadings, filed June 11, 2010 (Doc. 296).

DATED: June 16, 2010

DONGELL LAWRENCE FINNEY LLP

By: /s/ Ian P. Culver  
Ian P. Culver  
Attorneys for MULTIMATIC CORPORATION, now known as THE KIRKBERG CORPORATION, MULTIMATIC LLC, and THE KIRKBERG CORPORATION, formerly known as MULTIMATIC CORPORATION

DATED: June 16, 2010

MUNGER TOLLES & OLSON LLP

By: /s/ Patrick Cafferty  
Patrick Cafferty  
Blanca Young  
Attorneys for VULCAN MATERIALS COMPANY and LEGACY VULCAN CORP.

**IT IS SO ORDERED.**

Dated: June 21, 2010

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