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Attorneys for Plaintiff Team Enterprises, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - FRESNO

TEAM ENTERPRISES, LLC,

Case No.: 1:08-cv-00872 LJO SMS

Plaintiff,

v.

**JOINT STIPULATION FOR
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE OF TEAM
ENTERPRISES, LLC'S THIRD
AMENDED COMPLAINT AGAINST
VULCAN MATERIALS COMPANY
AND LEGACY VULCAN CORP.;
ORDER**WESTERN INVESTMENT REAL
ESTATE TRUST, et al.,

Defendants.

AND RELATED ACTIONS

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

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and Local Rule 83-143, TEAM ENTERPRISES, LLC ("Team") and VULCAN MATERIALS COMPANY and LEGACY VULCAN CORP. (jointly "Vulcan") hereby stipulate and respectfully request that this Court enter an order dismissing without prejudice Team's Third Amended Complaint filed May 5, 2009 (Doc. 211) against Vulcan. Each party to pay its own costs.

Date: 7/19/10

GREBEN & ASSOCIATES

/s/Danielle De Smeth
Jan Greben
Danielle De Smeth
Attorneys for Plaintiff Team Enterprises, LLC

Date: 7/19/10

MUNGER TOLLES & OLSON LLP

/s/Blanca Young
Patrick Cafferty
Blanca Young
Attorneys for Defendant Vulcan Materials
Company and Legacy Vulcan Corp.

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4 **ORDER**
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6 Based on the parties' stipulation, this Court DISMISSES without prejudice Team's Third
7 Amended Complaint against Vulcan and VACATES the August 3, 2010 hearing on Vulcan's
8 motion for judgment on pleadings. This order terms doc. 307. This action shall remain open.

9 IT IS SO ORDERED.
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11 **Dated: July 20, 2010**

/s/ Lawrence J. O'Neill

12 UNITED STATES DISTRICT JUDGE
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