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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA - FRESNO

TEAM ENTERPRISES, LLC,

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

Plaintiff,

v.  
WESTERN INVESTMENT REAL  
ESTATE TRUST, et al.,

Defendants.

AND RELATED ACTIONS

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

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

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

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19 Date: 7/19/10

GREBEN & ASSOCIATES

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

23  
24 Date: 7/19/10

MUNGER TOLLES & OLSON LLP

25  
26 /s/Blanca Young  
27 Patrick Cafferty  
Blanca Young  
Attorneys for Defendant Vulcan Materials  
28 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**

12 /s/ Lawrence J. O'Neill

13 UNITED STATES DISTRICT JUDGE  
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