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10 Attorneys for Defendant and Cross-Plaintiff  
 LEGACY VULCAN CORP.

11  
 12 UNITED STATES DISTRICT COURT  
 13 EASTERN DISTRICT OF CALIFORNIA  
 14 FRESNO DIVISION

16 TEAM ENTERPRISES, LLC,

17 Plaintiff,

18 vs.

19 WESTERN INVESTMENT REAL  
 ESTATE TRUST aka WESTERN  
 20 PROPERTIES TRUST; et al.,

21 Defendants.

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

**JOINT STIPULATION FOR  
 VOLUNTARY DISMISSAL WITHOUT  
 PREJUDICE OF THE MODESTO  
 CENTER INVESTORS' CROSS CLAIMS  
 AGAINST LEGACY VULCAN CORP.;**  
**ORDER**

[Fed. R. Civ. Proc. 41(a)(2); LR 83-143]

22 AND RELATED CROSS-ACTIONS  
 23

1 Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Local Rule 83-143, VULCAN  
2 MATERIALS COMPANY and LEGACY VULCAN CORP. (jointly “Vulcan”) and JOHN and  
3 LYNETTE BRANAGH, GAYLON and MARLA PATTERSON, MODESTO CENTER  
4 INVESTORS, LP and MCII, LP (collectively, “Modesto Center Investors”) hereby stipulate and  
5 respectfully request that this Court enter an order (1) dismissing without prejudice the Modesto  
6 Center Investors’ cross claims against Vulcan filed March 30, 2009 (Doc. 153); and (2)  
7 dismissing without prejudice Vulcan’s cross claims against the Modest Center Investors filed  
8 January 6, 2009 (Doc. 117). Each party to pay its own costs.

9 DATED: August 2, 2010

MUNGER TOLLES & OLSON LLP

10 /s/ Blanca Young

Patrick Cafferty

Blanca Young

11 Attorneys for VULCAN MATERIALS COMPANY  
12 and LEGACY VULCAN CORP

13 DATED: August 2, 2010

ROGERS JOSEPH O’DONNELL

14 /s/ Robert Goodman

15 Robert C. Goodman

16 Attorneys for JOHN and LYNETTE BRANAGH,  
17 GAYLON and MARLA PATTERSON, MODESTO  
18 CENTER INVESTORS, LP and MCII, LP

19 **IT IS SO ORDERED.**

20 DATED: August 5, 2010

21 /s/ Lawrence J. O’Neill

UNITED STATES DISTRICT JUDGE