

1 Eric Grant (Bar No. 151064)  
 grant@hicks-thomas.com  
 2 Hicks Thomas LLP  
 8001 Folsom Boulevard, Suite 100  
 3 Sacramento, California 95826  
 Telephone: (916) 388-0833  
 4 Facsimile: (916) 691-3261

5 John B. Thomas (Bar No. 269538)  
 jthomas@hicks-thomas.com  
 6 Brian M. Keller (*pro hac vice*)  
 bkeller@hicks-thomas.com  
 7 Paula Whitten (Bar No. 255811)  
 pwhitten@hicks-thomas.com  
 8 Hicks Thomas LLP  
 700 Louisiana Street, Suite 2000  
 9 Houston, Texas 77002  
 Telephone: (713) 547-9100  
 10 Facsimile: (713) 547-9150

11 Counsel for Defendant  
 R.R. STREET & CO. INC.

HICKS THOMAS LLP  
 8001 Folsom Boulevard, Suite 100  
 Sacramento, California 95826  
 Telephone: (916) 388-0833

13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

16	TEAM ENTERPRISES, LLC,	)	No. 1:08-cv-00872-LJO-SMS
17	Plaintiff,	)	
18	v.	)	<b>JOINT REQUEST FOR VOLUNTARY</b>
19	WESTERN INVESTMENT REAL	)	<b>DISMISSAL WITHOUT PREJUDICE OF</b>
20	ESTATE TRUST, aka WESTERN	)	<b>THE MODESTO CENTER INVESTORS'</b>
21	PROPERTIES TRUST; et al.,	)	<b>CROSS-CLAIMS AGAINST DEFENDANT</b>
22	Defendants,	)	<b>R.R. STREET &amp; CO. INC.</b>
23	AND ALL RELATED CROSS-CLAIMS	)	<b>[Fed. R. Civ. P. 41(a)(2), (c); L.R. 143]</b>
24	AND THIRD-PARTY CLAIMS.	)	

25 Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Local Rule 143, Defend-  
 26 ant R.R. STREET & CO. INC. ("Street") and JOHN and LYNETTE BRANAGH, GAYLON and  
 27 MARLA PATTERSON, MODESTO CENTER INVESTORS, LP, and MCII, LP (collectively,  
 28 "Modesto Center Investors") hereby stipulate and respectfully request that this Court enter an

HICKS THOMAS LLP  
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Sacramento, California 95826  
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1 order dismissing without prejudice the Modesto Center Investors' cross-claims against Street filed  
2 March 30, 2009 (Doc. 158); provided, however, that Modesto Center Investors reserves its right  
3 to seek leave of court to assert cross-claims against Street in the event Street becomes a party to  
4 this action in the future; provided further, that Street reserves its right to oppose such leave. Each  
5 party to pay its own costs.

6 Dated: August 16, 2010.

7 Respectfully submitted,

8 /s/ Eric Grant

Eric Grant

John B. Thomas

Brian M. Keller

Paula Whitten

Hicks Thomas LLP

Counsel for Defendant

R.R. STREET & CO. INC.

14 ROGERS JOSEPH O'DONNELL

15 /s/ Robert Goodman

(as authorized on this date)

Robert C. Goodman

Attorneys for JOHN and LYNETTE

BRANAGH, GAYLON and MARLA

PATTERSON, MODESTO CENTER

INVESTORS, LP, and MCII, LP

20 **IT IS SO ORDERED.**

21 Dated: August 17, 2010.

/s/ Lawrence J. O'Neill

Hon. Lawrence J. O'Neill

United States District Judge