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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 LEGACY VULCAN  
 CORP. THIRD-PARTY CLAIMS  
 AGAINST THE CITY OF MODESTO;  
 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 THE CITY  
3 OF MODESTO hereby stipulate and respectfully request that this Court enter an order dismissing  
4 without prejudice the Vulcan third party claims against the City of Modesto filed on  
5 December 18, 2008 (Doc. 110). Each party to pay its own costs.

6 DATED: August 27, 2010

MUNGER TOLLES & OLSON LLP

7 /s/ Blanca Young

Patrick Cafferty

8 Blanca Young

9 Attorneys for VULCAN MATERIALS COMPANY  
and LEGACY VULCAN CORP

10 DATED: August 27, 2010

DAVIDOVITZ AND BENNETT LLP

11 /s/ Moris Davidovitz

12 Moris Davidovitz

13 Charles Bolcom

14 Attorneys for CITY OF MODESTO

15 **IT IS SO ORDERED.**

16 DATED: August 30, 2010

17 /s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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19  
20 11534857.1