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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JOHN BRISBIN dba CONSTRUCTION
DEVELOPMENT SYSTEMS,

Plaintiff,

v.

VULCAN MATERIALS COMPANY;
and DOES 1-100, inclusive,

Defendants.

1:11-cv-00568-AWI-SKO

**ORDER DISMISSING ACTIONS
AND CLOSING CASE**

(Doc. 67)

AND RELATED CROSS-ACTION

The Court refers the parties to previous orders for a complete chronology of the proceedings. On March 7, 2011, John C. Brisbin dba Construction Development Systems filed a complaint against Vulcan Materials Company and Does 1 through 100, inclusive, in Fresno County Superior Court. The case was removed to this Court on April 6, 2011. On April 20, 2011, Calmat Co. dba Vulcan Materials Company, Western Division, filed a cross-complaint against Brisbin and Western Surety Company. A jury trial was set for November 13, 2013 at 8:30 a.m.

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in Courtroom 2. On October 17, 2013, all parties filed a joint stipulation for dismissal of the complaint and cross-complaint pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). In light of the stipulation, this case has terminated, *see* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997), and is hereby DISMISSED with prejudice and without an award of attorneys' fees and costs to any party. The Court respectfully directs the Clerk of Court to close the case.

IT IS SO ORDERED.

Dated: October 18, 2013



SENIOR DISTRICT JUDGE