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10 Attorneys for Plaintiffs VIOLA COPPOLA, GARY COPPOLA,  
11 and THE TRUST OF ANTHONY M. COPPOLA

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

14 VIOLA COPPOLA, GARY COPPOLA, and  
15 THE TRUST OF ANTHONY M. COPPOLA;

16 Plaintiffs,

17 v.

18 GREGORY SMITH, an individual, RICHARD  
19 LASTER, an individual; and THE JANE  
20 HIGGINS NASH TRUST; JANE NASH AS  
21 EXECUTOR OF THE ESTATE OF DECATUR  
22 HIGGINS A/K/A THE ESTATE OF MABEL  
23 ELAINE HIGGINS, HARLEY MILLER, an  
24 individual, CHERYL MILLER, an individual,  
25 MARTIN AND MARTIN PROPERTIES,  
26 BENART MAIN STREET PROPERTIES, CAL  
27 WATER SERVICE COMPANY, the CITY OF  
28 VISALIA and DOES 1-20, inclusive;

Defendants.

Case No.: 1:11-CV-01257-AWI-BAM

**ORDER GRANTING DISMISSAL OF  
BENART MAIN STREET PROPERTIES,  
ONLY WITHOUT PREJUDICE  
PURSUANT TO FRCP 41(a)**

RELATED CROSS AND COUNTER-CLAIMS

**ORDER**

1 Defendant Benart - Main Street Investors, a California corporation (erroneously sued as  
2 Benart Main Street Properties) ONLY is dismissed WITHOUT PREJUDICE from Plaintiffs  
3 Viola Coppola, Gary Coppola and the Trust of Anthony M. Coppola's Third Amended  
4 Complaint pursuant to Federal Rule of Civil Procedure 41(a).

5 Further, pursuant to agreement between the parties, each side shall bear their own fees  
6 and costs.  
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10 IT IS SO ORDERED.

11 Dated: November 28, 2012

  
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13 UNITED STATES DISTRICT JUDGE  
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