

1 **GREBEN & ASSOCIATES**

2 125 E. DE LA GUERRA ST., STE 203  
3 SANTA BARBARA, CA 93101  
4 TEL: 805-963-9090  
5 FAX: 805-963-9098

6 Jan A. Greben, SBN 103464  
7 [jan@grebenlaw.com](mailto:jan@grebenlaw.com)  
8 Christine M. Monroe, SBN 304573  
9 [christine@grebenlaw.com](mailto:christine@grebenlaw.com)

10 Attorneys for Plaintiffs GARY COPPOLA, an individual; GARY COPPOLA, as SUCCESSOR  
11 TRUSTEE OF THE VIOLA M. COPPOLA IRREVOCABLE TRUST; and GARY COPPOLA,  
12 as TRUSTEE OF THE ANTHONY M. COPPOLA TRUST

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

15 GARY COPPOLA, an individual, GARY  
16 COPPOLA, as SUCCESSOR TRUSTEE OF  
17 THE VIOLA M. COPPOLA IRREVOCABLE  
18 TRUST; and GARY COPPOLA, as TRUSTEE  
19 OF THE ANTHONY M. COPPOLA TRUST;

20 Plaintiffs,

21 v.

22 PARAGON CLEANERS (formerly sued as  
23 GREGORY SMITH, an individual); et al.

24 Defendants.

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

**STIPULATION AND [PROPOSED] ORDER  
REGARDING DISMISSAL OF  
PLAINTIFFS' CONTINUING PRIVATE  
NUISANCE AND NUISANCE PER SE  
CLAIMS, ONLY, AGAINST VISALIA  
UNIFIED SCHOOL DISTRICT ONLY**

25 RELATED CROSS AND COUNTER-  
26 CLAIMS

27 On April 14, 2016, the parties submitted the following stipulation:

28 **NOTICE IS HEREBY GIVEN** that pursuant to Federal Rule of Civil Procedure Rule  
41(a)(ii), Plaintiffs Gary Coppola, Gary Coppola as successor trustee of the Viola M. Coppola  
Irrevocable Trust, and Gary Coppola as trustee of the Anthony M. Coppola Trust (collectively

1 “Coppola”) voluntarily dismisses **without** prejudice the following claims, only, against Defendant  
2 Visalia Unified School District (“VUSD”), only:

- 3 - Plaintiffs Fifth Cause of Action, Continuing Private Nuisance; and
- 4 - Plaintiffs Sixth Cause of Action, Nuisance Per Se.

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

7 It is hereby stipulated and requested that the Court enter the above-referenced dismissal.

8 All other claims against VUSD remain operative.

9  
10 Dated: April 18, 2016

GREBEN & ASSOCIATES

11  
12 /s/ Jan A. Greben

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13 Jan A. Greben  
Christine M. Monroe  
Attorneys for Plaintiffs and Counter Defendants  
14 GARY COPPOLA, an individual; GARY  
15 COPPOLA, as SUCCESSOR TRUSTEE OF  
16 THE VIOLA M. COPPOLA IRREVOCABLE  
17 TRUST; and GARY COPPOLA, as TRUSTEE  
OF THE ANTHONY M. COPPOLA TRUST

18  
19 Dated: April 18, 2016

NELSON & ROZIER

20  
21 /s/ Clayton Christenson

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22 John L. Rozier  
23 Clayton Christenson  
24 Attorneys for Defendant VISALIA UNIFIED  
SCHOOL DISTRICT

25  
26  
27 The Court will give effect to this stipulation.

**ORDER**

Accordingly, IT IS HEREBY ORDERED that the “Coppola” Plaintiffs’ claims against Defendant the Visalia Unified School District for Continuing Private Nuisance (fifth cause of action in the operative complaint) and for Nuisance Per Se (sixth cause of action in the operative complaint) are dismissed without prejudice and are no longer a part of the operative complaint.

IT IS SO ORDERED.

Dated: April 18, 2016

  
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SENIOR DISTRICT JUDGE

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