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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

GARY COPPOLA, an individual, GARY COPPOLA, as SUCCESSOR TRUSTEE OF THE VIOLA M. COPPOLA IRREVOCABLE TRUST; and GARY COPPOLA, as TRUSTEE OF THE ANTHONY M. COPPOLA TRUST;

Plaintiffs,

v.

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

Defendants.

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

STIPULATED REQUEST FOR DISMISSAL REGARDING CALIFORNIA WATER SUPPLY COMPANY, ONLY; [~~PROPOSED~~] ORDER THEREON

(Doc. No. 427)

RELATED CROSS AND COUNTER-CLAIMS

On July 5, 2016, Plaintiffs and Defendant Cal Water filed the following stipulation:

Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2) and (c), the Court's Order approving the good faith settlement [Document No. 424], and the terms of the settlement, Plaintiffs and counter-defendants Gary Coppola, an individual, Gary Coppola, as Successor Trustee of The Viola M. Coppola Irrevocable Trust; and Gary Coppola, as Trustee of The Anthony M. Coppola

1 Trust (“Plaintiffs”) and California Water Service Company (“Cal Water”) (collectively the
2 “Parties”) hereby stipulate and request that the Court enter an Order as set forth in the terms below.

- 3 1. Plaintiffs’ complaint in the above captioned action is hereby dismissed **with**
4 **prejudice**, including their entire action and all claims encompassed therein, against
5 Cal Water, only;
- 6 2. Cal Water’s counterclaim in the above captioned action is hereby dismissed **with**
7 **prejudice**, including their entire action and all claims encompassed therein, against
8 Plaintiffs;
- 9 3. Each party shall bear their own attorney’s fees and costs;
- 10 4. This Court shall retain jurisdiction over the parties for purposes of enforcing the
11 settlement agreement reached by and between Plaintiffs and Cal Water; and
- 12 5. The foregoing dismissals are voluntary and shall not operate as an adjudication on the
13 merits.

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15 Dated: July 5, 2016

GREBEN & ASSOCIATES

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17 /s/ Jan A. Greben

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GARY COPPOLA, an individual; GARY
19 COPPOLA, as SUCCESSOR TRUSTEE OF
20 THE VIOLA M. COPPOLA IRREVOCABLE
21 TRUST; and GARY COPPOLA, as TRUSTEE
22 OF THE ANTHONY M. COPPOLA TRUST

23
24 Dated: July 5, 2016

WOOD, SMITH, HENNING & BERMAN LLP

25
26 /s/ Patrick S. Schoenburg

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David F. Wood
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Attorneys for Defendant and Counterclaimant
28 CALIFORNIA WATER SERVICE COMPANY

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ORDER¹

The Parties having stipulated and agreed, and good cause appearing thereon, it is hereby ORDERED:

1. Plaintiffs' complaint in the above captioned action is dismissed **with prejudice**, including their entire action and all claims encompassed therein, **against Cal Water, only;**²
2. Cal Water's counterclaim in the above captioned action is dismissed **with prejudice**, including their entire action and all claims encompassed therein, against Plaintiffs;
3. The Clerk shall note that Cal Water has been TERMINATED from this action as of July 5, 2016;
4. Each party shall bear their own attorney's fees and costs;
5. This Court shall retain jurisdiction over the parties for purposes of enforcing the settlement agreement reached by and between Plaintiffs and Cal Water; and
6. The foregoing dismissals are voluntary and shall not operate as an adjudication on the merits.

IT IS SO ORDERED.

Dated: July 5, 2016



 SENIOR DISTRICT JUDGE

¹ The Court notes that in the order approving Plaintiffs' and Cal Water's settlement, the Court stated that once dismissal papers were filed, the Court intended to dismiss Cal Water and Cal Water's counterclaims from this case. See Doc. No. 454 at p.11 n.7. No party objected or responded to that order.

² All other claims by Plaintiffs against all other defendants remain pending and open.