

1 **GREBEN & ASSOCIATES**

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

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

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 MARTIN AND MARTIN PROPERTIES, LLC, ONLY; [~~PROPOSED~~] ORDER**

RELATED CROSS AND COUNTER-CLAIMS

On July 5, 2016, Plaintiffs and Defendant Martin and Martin Properties, LLC 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. 425], 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 Martin and Martin Properties, LLC (“Martin”) (collectively the “Parties”)  
2 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 Martin, only;
- 6 2. Martin’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 Martin; and
- 12 5. The foregoing dismissals are voluntary and shall not operate as an adjudication on the  
13 merits.

14  
15 Dated: July 6, 2016

GREBEN & ASSOCIATES

17 /s/ Jan A. Greben

18 

---

Jan A. Greben  
Christine M. Monroe  
Attorneys for Plaintiffs and Counter Defendants  
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 Dated: July 6, 2016

ALLEN, MATKINS, LECK, GAMBLE,  
24 MALLORY & NATSIS LLP

25 (Authorized on 7/5/2016)

26 /s/ Tim C. Hsu

27 

---

Emily L. Murray  
Tim C. Hsu  
Attorneys for Defendant and Counterclaimant  
28 MARTIN AND MARTIN PROPERTIES, LLC

1  
2 **ORDER**<sup>1</sup>

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

- 5
- 6 1. Plaintiffs' operative complaint in the above captioned action is dismissed **with**  
7 **prejudice**, including their entire action and all claims encompassed therein, **against**  
8 **Martin, only**;<sup>2</sup>
  - 9 2. Martin's counterclaims in the above captioned action are dismissed **with prejudice**,  
10 including its entire action and all claims encompassed therein, against Plaintiffs;
  - 11 3. The Clerk shall note that Martin and Martin Properties, LLC has been  
12 TERMINATED from this action as of July 5, 2016;
  - 13 4. Each party shall bear their own attorney's fees and costs;
  - 14 5. This Court shall retain jurisdiction over the parties for purposes of enforcing the  
15 settlement agreement reached by and between Plaintiffs and Martin; and
  - 16 6. The foregoing dismissals are voluntary shall not operate as an adjudication on the  
17 merits.

18 IT IS SO ORDERED.

19 Dated: July 6, 2016

20   
21 SENIOR DISTRICT JUDGE

22  
23  
24  
25  
26  
27 <sup>1</sup> The Court notes that in the order approving Plaintiff's and Martin's settlement, the Court stated that once dismissal  
28 papers were filed, the Court intended to dismiss both Martin and its counterclaims from this case. See Doc. No. 425 at  
p.10 n.7. No party objected or responded to that order.

<sup>2</sup> All other claims by Plaintiffs against all other defendants remain pending and open.