1	McCormick, Barstow, Sheppard,		
2	Wayte & Carruth LLP Anthony N. DeMaria, #177894		
3	5 River Park Place East Fresno, California 93720-1501		
4	Telephone: (559) 433-1300 Facsimile: (559) 433-2300		
5	HICKMAN, individually and as trustee of the Hickman Family Trust Dated 09-22-90; JAQUELINE D. HICKMAN, individually and as trustee of the Hickman Family Trust Dated 09022090; JOSEPH TERMINI, individually and		
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9	WATER TO THE PARTY OF THE PARTY		
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11	UNITED STATES DISTRICT COURT		
12	EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION		
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14	LAREN SALISBURY and KIM DOWNEY,	Case No. 1:12-cv-01098-LJO-JLT	
15	Plaintiffs,	STIPULATION TO VACATE	
16	V.	JUDGMENT AND DISMISS COMPLAINT WITH PREJUDICE FOR CASE AND	
17	ARTHUR E. HICKMAN, individually and as	COMPLAINT OF PLAINTIFF KIM DOWNEY; ORDER VACATING	
18	trustee of the Hickman Family Trust Dated 09- 22-90; JAQUELINE D. HICKMAN,	JUDGMENT NON PRO TUNC AND ENTERING DISMISSAL OF	
19	individually and AS TRUSTEE OF THE Hickman Family Trust Dated 09-22-90;	COMPLAINT WITH PREJUDICE AS TO PLAINTIFF KIM DOWNEY	
20	JOSEPH TERMINI, individually and dba CHARTER REALTY AND PROPERTY		
21	MANAGEMENT; and UMBERTO CRIMI,		
22	Defendants.		
23	Plaintiff, KIM DOWNEY, and defendants ARTHUR E. HICKMAN, individually and as		
24	trustee of the Hickman Family Trust Dated 09-22-90; JAQUELINE D. HICKMAN, individually and		
25	as trustee of the Hickman Family Trust Dated 09022090; JOSEPH TERMINI, individually and dba		
26	CHARTER REALTY AND PROPERTY MANAGEMENT, previously resolved this case by way of		
27	offer and acceptance of settlement under FRCP 68. By operation of FRCP 68, judgment was entered		

on the settlement offer. The parties now agree and so stipulate to VACATE the judgment, non pro

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1	tunc, and thereafter enter a Dismissal with prejudice as to the entire case and entire Complaint of KIM	
2	DOWNEY. A release shall be signed by KIM DOWNEY as to all defendants. The parties agree and	
3	stipulate that good cause exists therefore, and stipulate that the Court may and should enter the	
4	following Orders:	
5	1. Vacate the Judgment entered pursuant to the FRCP 68 settlement, for the case of KIM	
6	DOWNEY, non pro tune, as to all parties; and	
7	2. Accept and enter the Dismissal with Prejudice of the entire case and Complaint of KIM	
8	DOWNEY, ordering KIM DOWNEY's Complaint Dismissed with Prejudice.	
9	The parties agree that this Stipulation may be signed in counterpart, and each counterpart shall	
10	be deemed an original, and all counterparts so executed shall constitute one Stipulation, and further,	
11	that faxed signatures shall be valid and binding as original signatures.	
12	The matter shall remain settled, but the settlement shall now be concluded upon a Release and	
13	Dismissal. This stipulation, and the stipulated Order, below, is only as to the action and Complaint of	
14	KIM DOWNEY, and does not affect the Complaint and action of LAREN SALISBURY. All parties	
15	are to bear their own costs and attorneys' fees. The parties thank the Court for the same. The partie	
16	stipulate and agree that the Court execute and enter the Order included herein.	
17		
18	Dated: May, 2013 McCORMICK, BARSTOW, SHEPPARD,	
19	WAYTE & CARRUTH LLP	
20		
21	By: /s/ Anthony N. DeMaria	
22	Anthony N. DeMaria Attorneys for Defendants ARTHUR E. HICKMAN	
23	individually and as trustee of the Hickman Family Trust Dated 09-22-90; JAQUELINE D.	
24	HICKMAN, individually and as trustee of the Hickman Family Trust Dated 09022090; JOSEPH	
25	TERMINI, individually and dba CHARTER	
26	REALTY AND PROPERTY MANAGEMENT	
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1	Dated: May 2, 2013	GREATER BAKERSFIELD LEGAL
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	Duted. 1914y 2, 2015	ASSISTANCE, INC.
3		D /a/ Morle A. Dov
4		By:/s/ Mark A. Roy Mark A. Roy
5		Attorneys for Plaintiffs
6	Data de Mary 2012	
7	Dated: May, 2013	BRANCART & BRANCART
8		
9		By: /s/ Christopher Brancart
10		Christopher Brancart Attorneys for Plaintiffs
11		1 2000 21
12	Dated: May, 2013	BORTON & PETRINI
13		
14		- /2/ I I. D
		By: /s/ James J. Braze James J. Braze
15		Attorneys for Defendants ARTHUR E. HICKMAN, individually and as trustee of the Hickman Family
16		Trust Dated 09-22-90; JAQUELINE D.
17		HICKMAN, individually and as trustee of the Hickman Family Trust Dated 09022090; JOSEPH
18		TERMINI, individually and dba CHARTER REALTY AND PROPERTY MANAGEMENT and
19		UMBERTO CRIMI
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MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 5 RIVER PARK PLACE EAST FRESNO, CA 93720-1501

ORDER TO VACATE JUDGMENT ENTERED IN FAVOR OF KIM DOWNEY, NON PRO TUNC, AND DISMISS WITH PREJUDICE THE ENTIRE COMPLAINT OF KIM DOWNEY WITH PREJUDICE

Based Upon the Stipulation of counsel and good cause appearing therefore, the Court hereby ORDERS that the judgment entered pursuant to the FRCP 68 settlement in favor of KIM DOWNEY as to ARTHUR E. HICKMAN, individually and as trustee of the Hickman Family Trust Dated 09-22-90; JAQUELINE D. HICKMAN, individually and as trustee of the Hickman Family Trust Dated 09022090; JOSEPH TERMINI, individually and dba CHARTER REALTY AND PROPERTY MANAGEMENT, a copy of which is attached hereto as Exhibit "A", entered on December 17, 2012, is VACATED in its entirety, non pro tunc.

Further, based upon the stipulation of counsel, the Court hereby ORDERS that the Complaint of KIM DOWNEY IS DISMISSED WITH PREJUDICE in its entirety, as to all defendants and all parties, further, all parties to bear their own costs, fees and attorneys' fees.

The Complaint of LAREN SALISBURY shall remain active and is not dismissed. The clerk is directed not to close this action.

IT IS SO ORDERED.

Dated: May 7, 2013 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE