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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

TAVIE DIVERSIFIED, INC., a California Corporation; OCTAVIA DIENER, in her capacity as TRUSTEE of the OCTAVIA DIENER LIVING TRUST, C.M.A., a California general partnership; and RED ROCK RANCH, INC., a California corporation,

Plaintiffs,

v.

THE PICTSWEET COMPANY, a Delaware corporation, and DOES 1 through 20, inclusive,

Defendants.

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and related Counterclaim

Case No. 1:13-cv-00901-SKO

**STIPULATION FOR DISMISSAL;  
ORDER TO ADMINISTRATIVELY  
CLOSE CASE**

**(F.R.C.P. 41)**

Plaintiffs/Counter-defendants Tavie Diversified, Inc., C.M.A., Octavia Diener, in her capacity as Trustee of the Octavia Diener Living Trust, and Red Rock Ranch, Inc. ("Plaintiffs") and Defendant/Counterclaimant The Pictsweet Company ("Defendant"), by their attorneys, stipulate and provide notice that this entire case settled. The parties hereby stipulate and agree that the complaint and counterclaim be dismissed in its entirety with prejudice.

The undersigned attorneys, as representatives of each party, certify that they are authorized by the party they represent to agree to the dismissal of this action with prejudice.

**IT IS SO STIPULATED.**

Date: June 24, 2014

WALTER & WILHELM LAW GROUP

By:           /s/ Tracy E. Blair

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MICHAEL L. WILHELM  
TRACY E. BLAIR  
Attorneys for Plaintiffs and  
Counterdefendants

Date: June 24, 2014

KLEIN, DENATALE, GOLDNER,  
COOPER, ROSENLIB & KIMBALL, LLP

By: /s/ Connie M. Parker  
DAVID J. COOPER  
CONNIE M. PARKER  
Attorneys for Defendant and  
Counterclaimant

**ORDER**

Based on the Stipulation of Plaintiffs/Counter-defendants Tavie Diversified, Inc., C.M.A., Octavia Diener Living Trust, and Red Rock Ranch, Inc. and Defendant/Counterclaimant The Pictsweet Company, the complaint and counterclaim have been dismissed with prejudice. Caselaw concerning stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and does not require judicial approval. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999).

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall administratively close this case.

IT IS SO ORDERED.

Dated: June 26, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE