

1 Andrew C. Muzi, Esq., Bar No. 132282
amuzi@muzilaw.com
2 Nida L. Henderson, Esq., Bar No. 242877
nhenderson@muzilaw.com
3 MUZI & ASSOCIATES, APLC
4 111 Pacifica, Suite 220
5 Irvine, California 92618-7425
6 Telephone: (949) 553-9277
Facsimile: (949) 553-9288

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8 Attorneys for Defendant/Counter-Claimant
C.L. KNOX, INC. dba ADVANCED INDUSTRIAL SERVICES
9 erroneously sued as ADVANCED INDUSTRIAL SERVICES, INC.

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 BENNIE MERKLEY, an individual,) Case Number: 1:14-CV-01867-JLT
14)
15 Plaintiff,)
16)
17 v.) **ORDER DIRECTING THE CLERK OF**
18) **THE COURT TO CLOSE THIS**
19) **ACTION**

16 CONTINENTAL LABOR RESOURCES,)
17 INC.; ADVANCED INDUSTRIAL)
18 SERVICES, INC.; and DOES 1 through)
19 50, inclusive,)
20 Defendants.)

21 C.L. KNOX, INC. dba ADVANCED)
22 INDUSTRIAL SERVICES, a California)
23 corporation,)

24 Counter-Claimant,)
25 v.)

26 CONTINENTAL LABOR RESOURCES,)
27 INC., a California Corporation; and ROES)
1 through 10,)

28 Counter-Defendants.)

1 Pursuant to Local Rule 143, Defendant/Counter-Claimant C.L. KNOX,
2 INC. dba ADVANCED INDUSTRIAL SERVICES (hereinafter "AIS"), and
3 Defendant/Counter-Defendant CONTINENTAL LABOR RESOURCES, INC.
4 (hereinafter "CLR" and collectively with AIS, the "Parties"), stipulate as follows:

5 WHEREAS, on or about April 3, 2015, AIS filed a Cross-Complaint
6 against CLR, alleging counterclaims of equitable indemnity, implied indemnity,
7 apportionment and contribution, and declaratory relief;

8 WHEREAS, AIS' counterclaims against CLR have settled; and

9 WHEREAS, the Parties agree that AIS' counterclaims against CLR should
10 be dismissed with prejudice in light of AIS and CLR's settlement.

11 THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties,
12 through their respective undersigned counsel, subject to approval by this
13 Honorable Court, that the counterclaims of AIS against CLR are dismissed with
14 prejudice.
15

16 DATED: 12/8/16

MUZI & ASSOCIATES, APLC

18 BY: /s/ Nida L. Henderson, Esq.
19 Nida L. Henderson, Esq.
20 Andrew C. Muzi, Esq.
21 Attorney for Defendant/Counter-Claimant
22 C.L. KNOX, INC. dba ADVANCED
INDUSTRIAL SERVICES

23 DATED: 12/8/16

LITTLER MENDELSON, P.C.

25 BY: /s/ Irene Fitzgerald, Esq.
26 Irene Fitzgerald, Esq.
27 Attorney for Counter-Defendant
28 CONTINENTAL LABOR RESOURCES,
INC.

ORDER

1
2 On December 9, 2016, the parties to the cross complaint filed a stipulation to dismiss the
3 action. (Doc. 39) Federal Rules of Civil Procedure Rule 41 provides that “the [cross-
4 complainant] may dismiss an action without a court order by filing. . . a stipulation of dismissal
5 signed by all parties who have appeared.”. . .” Fed. R. Civ. P. 41(a). Once such a notice has
6 been filed, an order of the Court is not required to make the dismissal effective. Fed. R. Civ. P.
7 41(a)(1)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Because the cross
8 complaint is the only remaining portion of this case, the Clerk of Court is **DIRECTED** to close
9 this action in light of the notice of dismissal with prejudice filed and properly signed pursuant to
10 Rule 41(a).

11
12 IT IS SO ORDERED.

13 Dated: December 19, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE