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17 Attorneys for Plaintiff  
18 MISSION LINEN SUPPLY

19 UNITED STATES DISTRICT COURT  
20 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

21 MISSION LINEN SUPPLY, a California  
22 Corporation,

23 Plaintiff,

24 v.

25 CITY OF VISALIA, and Does 1-20, inclusive,

26 Defendant.

27 Case No.: 1:15-cv-00672-AWI-EPG

28 **STIPULATED REQUEST FOR  
VOLUNTARY DISMISSAL REGARDG  
CERTAIN CAUSES OF ACTION, ONLY,  
FROM MISSION LINEN'S COMPLAINT;  
[PROPOSED] ORDER**

*Honorable Judge Anthony W. Ishii*

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1 It is hereby stipulated by and between plaintiff Mission Linen Supply (“Mission Linen”) and  
2 defendant City of Visalia (“City”) that pursuant to Federal Rules of Civil Procedure, Rule 41(a), the  
3 following causes of action, only, are voluntarily dismissed without prejudice from Mission Linen’s  
4 Complaint (Document 2):

- 5 1. Third Cause of Action for Continuing Private Nuisance;
- 6 2. Fourth Cause of Action for Nuisance Per Se;
- 7 3. Fifth Cause of Action for Declaratory Relief;
- 8 4. Sixth Cause of Action for Dangerous Condition of Public Property;
- 9 5. Seventh Cause of Action for Continuing Public Nuisance; and
- 10 6. Eighth Cause of Action for Equitable Indemnity.

11 It is further stipulated that each party shall bear their own attorney’s fees and costs.

12  
13 Dated: October 3, 2017

GUALCO LAW

14  
15 /s/ Lori J. Gualco

Lori J. Gualco  
Attorney for Plaintiff MISSION LINEN  
SUPPLY

16  
17  
18 Dated: October 3, 2017

GREBEN & ASSOCIATES

19  
20 /s/ Jan A. Greben as authorized on 10/03/17

Jan A. Greben  
Christine M. Monroe  
Attorneys for Plaintiff MISSION LINEN  
SUPPLY

21  
22  
23 Date: October 3, 2017

HERR, PEDERSEN & BERGLUND LLP

24  
25 /s/ Leonard C. Herr as authorized on 10/03/17

Leonard C. Herr  
Attorney for Defendant CITY OF VISALIA

1 **[PROPOSED] ORDER**

2 Based on the foregoing stipulation, and good cause appearing thereon, it is HEREBY  
3 ORDERED that:

- 4 1. The following causes of action, only, are dismissed without prejudice from Mission  
5 Linen's Complaint (Document 2):
- 6 a. Third Cause of Action for Continuing Private Nuisance;
  - 7 b. Fourth Cause of Action for Nuisance Per Se;
  - 8 c. Fifth Cause of Action for Declaratory Relief;
  - 9 d. Sixth Cause of Action for Dangerous Condition of Public Property;
  - 10 e. Seventh Cause of Action for Continuing Public Nuisance; and
  - 11 f. Eighth Cause of Action for Equitable Indemnity.
- 12 2. Each party shall bear their own attorney's fees and costs; and
- 13 3. The operative Pre-Trial Order shall be considered amended to exclude references related  
14 to Mission Linen's Third Cause of Action for Continuing Private Nuisance, Fourth Cause  
15 of Action for Nuisance Per Se, Fifth Cause of Action for Declaratory Relief, Sixth Cause  
16 of Action for Dangerous Condition of Public Property, Seventh Cause of Action for  
17 Continuing Public Nuisance, and Eighth Cause of Action for Equitable Indemnity.

18 IT IS SO ORDERED.

19 Dated: October 4, 2017

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21 SENIOR DISTRICT JUDGE