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5 Attorneys for Defendants/Cross-Complainants/
Third Party Plaintiffs,
6 THE DAVIS CENTER, LLC; EMILY STOVER,
Individually and as Trustee of the STOVER FAMILY
7 TRUST and as Personal Representative for Melvin Stover
(Deceased); and RICHARD ALBERT STINCHFIELD,
8 Individually and as Trustee of the ROBERT S.
STINCHFIELD SEPARATE REAL PROPERTY TRUST
9 and as Trustee of the BARBARA ELLEN STINCHFIELD
TESTAMENTARY TRUST

10
11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

13 CHARLES LEWIS,

14 Plaintiff,

15 v.

16 ROBERT RUSSELL, et al.,

17 Defendants.

Case No. CIV S-03-2646 WBS KJM

**STIPULATION FOR ORDER OF
DISMISSAL**

[F.R.C.P. Rule 41(a)]

Trial Date: September 16, 2014

18 AND RELATED CROSS-ACTIONS.
19

20 Defendants/Complainants/Third Party Plaintiffs, THE DAVIS CENTER, LLC; EMILY
21 STOVER, Individually and as Trustee of the STOVER FAMILY TRUST and as Personal
22 Representative for Melvin Stover (Deceased); and RICHARD ALBERT STINCHFIELD,
23 Individually and as Trustee of the ROBERT S. STINCHFIELD SEPARATE REAL PROPERTY
24 TRUST and as Trustee of the BARBARA ELLEN STINCHFIELD TESTAMENTARY TRUST
25 (collectively, “THE DAVIS CENTER”) and Defendant/Third Party Defendant MARTIN
26 FRANCHISES, INC., through their respective attorneys of record, stipulate to the following:

27 That THE DAVIS CENTER’s claims in its First Amended Third-Party Complaint filed on
28 or about September 6, 2007 in the above entitled action (“Claims”) be dismissed as against

1 MARTIN FRANCHISES, INC. only, with prejudice, according to the terms of a Mutual Release
2 of Claims (the "Release") entered into by and between THE DAVIS CENTER and MARTIN
3 FRANCHISES, INC. and having an effective date of June 21, 2012.

4 DATED: July 3, 2012

KOELLER, NEBEKER, CARLSON & HALUCK, LLP

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6 /s/ Chad N. Dunigan

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Chad N. Dunigan, Esq.
Sara J. Dresser, Esq.
Attorneys for Defendants/Cross-Complainants/
Third Party Plaintiffs,
THE DAVIS CENTER, LLC; EMILY STOVER,
Individually and as Trustee of the STOVER FAMILY
TRUST and as Personal Representative for Melvin Stover
(Deceased); and RICHARD ALBERT STINCHFIELD,
Individually and as Trustee of the ROBERT S.
STINCHFIELD SEPARATE REAL PROPERTY TRUST
and as Trustee of the BARBARA ELLEN STINCHFIELD
TESTAMENTARY TRUST

14 DATED: July 5, 2012

GORDON & REESE, LLP

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16 /s/ Matthew P. Nugent

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Matthew P. Nugent, Esq.
Attorneys for Defendant/Third Party Defendant,
MARTIN FRANCHISES, INC.

ORDER OF DISMISSAL

20 The Court, having reviewed and considered the stipulation set forth above and good cause
21 appearing, issues the following Order:

22 **IT IS HEREBY ORDERED** that THE DAVIS CENTER's Claims in the above-entitled
23 action be, and hereby are, dismissed as against MARTIN FRANCHISES, INC. only, with
24 prejudice.

25 **IT IS FURTHER HEREBY ORDERED** that the dismissal is expressly conditioned
26 upon the terms and conditions of the Release entered into by and between THE DAVIS CENTER
27 and MARTIN FRANCHISES, INC. on June 21, 2012.

28 **IT IS FURTHER HEREBY ORDERED** that the Court retains jurisdiction of this matter

1 for the sole purpose of taking any action needed to enforce the terms of the Release.

2 **IT IS FURTHER HEREBY ORDERED** that each of the parties hereto shall bear its
3 own costs, including attorney's fees, as provided in the Release.

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5 Date: July 10, 2012

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7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE
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