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Attorney for Plaintiffs

7 **UNITED STATES DISTRICT COURT**  
 8 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO**

9 Sherry Montgomery; Mary Buchanan; Jewell )  
 10 Fowler; Julie Christian, )  
 11 Plaintiffs )  
 12 vs. )  
 13 Tim Buege; Yorktown Arms Apartments; TC )  
 14 Property Management; Michael Gavin; Jose )  
 15 Divas; Does 1 to 10, )  
 16 Defendants. )

**CASE NO.: 2:07-CV-00249-WBS-KJM**  
**STIPULATION TO VOLUNTARY**  
**DISMISSAL WITHOUT PREJUDICE;**  
**ORDER THEREON**

Courtroom: 5  
 Honorable: William B. Shubb

1 Counsel for Plaintiffs and for Counsel for Defendants have met and conferred regarding the  
2 need to dismiss without prejudice the first-filed of the two related actions, and agree that:

3 1. Both parties agree to a dismissal without prejudice of Case No.  
4 2:07-CV-00249-WBS-KJM and that plaintiffs will proceed forward with Case No. 2:08-CV-  
5 00385-WBS-KJM. Said dismissal will be without prejudice to the claims and parties in Plaintiff's  
6 Case No. 2:08-CV-00385-WBS-KJM, however, Defendants reserve their right to bring a motion to  
7 dismiss (or other similar motion) Plaintiff's Case No. 2:08-CV-00385-WBS-KJM.

8 As a result of counsel for Plaintiffs and counsel for Defendants having met and conferred,  
9 and in light of the agreement noted above, counsel hereby stipulate as follows:

10 COUNSEL FOR PLAINTIFFS AND COUNSEL FOR DEFENDANTS HEREBY  
11 STIPULATE THAT CASE NO. 2:07-CV-00249-WBS-KJM SHALL BE DISMISSED  
12 WITHOUT PREJUDICE AND THAT PLAINTIFFS WILL PROCEED FORWARD WITH CASE  
13 NO. 2:08-CV-00385-WBS-KJM, AND THAT DEFENDANTS RESERVE THE RIGHT TO  
14 BRING A MOTION TO DISMISS OR OTHER SIMILAR MOTION.

15 DATED: January 13, 2009

ADAMS & CORZINE

16 By: /s/ JEFF CORZINE  
17 JEFF CORZINE  
18 Attorney for Defendants

19 DATED: January 13, 2009

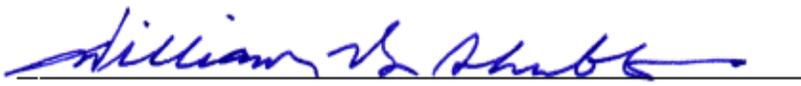
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20 By: /s/ NATHANIEL POTRATZ  
21 NATHANIEL POTRATZ  
22 Attorney for Plaintiffs

23 ORDER

24 Based upon stipulation of the parties, and good reason appearing, IT IS SO ORDERED.

25 DATED: January 15, 2009

26   
27 WILLIAM B. SHUBB  
28 UNITED STATES DISTRICT JUDGE

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