3001 Lava Ridge Court, Suite 130 Roseville, California 95661

(916) 787-1290 (916) 787-1293

joblaw@poidmorelaw.com

Spencer T. Malysiak, Esq.

Law Offices of Spencer T. Malysiak

State Bar No.: 84654

1180 Iron Point Road, Suite 145B

Folsom, California 95630

(916) 985-4400

(916) 985-0100

spencer@malysiaklaw.com

Attorneys for PLAINTIFFS/COUNTER-DEFENDANTS

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

27

19

20

21

22

23

24

25

26

28 /// Doc. 104

1 2 3 4 5	RITA T. HOOPER and LOUIS G. HOOPER AS TRUSTEES OF THE GORDON HOOPER REAL ESTATE, INC. EMPLOYEES' PENSION AND PROFIT SHARING PLAN; RITA T. HOOPER, individually; LOUIS G. HOOPER, individually; and GORDON HOOPER REAL ESTATE, INC., Plaintiffs,	Case No.: 2:08-CV-00699-JAM-KJM PLAINTIFFS'/DEFENDANTS' STIPULATION RE: DISMISSAL WITH PREJUDICE	
6	v.		
7	KENDRICK HOOPER,	Judge: Honorable John A. Mendez	
	Defendant.		
8		Complaint filed: March 24, 2008	
9	KENDRICK HOOPER,)		
10	Counter-Claimant,)		
11	v.		
12 13	RITA T. HOOPER and LOUIS G. HOOPER as Trustees of the Gordon Hooper Real Estate, Inc. Employees' Pension and Profit Sharing Plan; RITA T.		
14	HOOPER and LOUIS G. HOOPER as Trustees of the Hooper Family Trust Dated October 9, 1979, as		
15	Amended; RITA T. HOOPER, individually; LOUIS G.) HOOPER, individually; and GORDON HOOPER) REAL ESTATE, INC.,		
16	Counter-Defendants.		
17	/)		
18			
19	Plaintiffs/Counter-Defendants Rita T. Hooper and Louis G. Hooper as Trustees of the Gordon		
20	Hooper Real Estate, Inc. Employees' Pension and Profit Sharing Plan; Rita T. Hooper, Individually;		
21	Louis G. Hooper, Individually; and, Gordon Hooper Real Estate, Inc. (collectively "Plaintiffs"), and		
22	Defendant/Counter-Claimant Julie Ann Rackey, also know	wn as Julie Ann Rackey Hooper, as successor	
23	in interest and successor trustee and beneficiary of the Kendrick E. Hooper Trust of 2009, U.D.T., dated		
24	March 18, 2009 ("the Hooper Trust") (collectively "Defendants"), having resolved and settled their		
25	disputes in the above captioned matter and pursuant to Rule 41(a) of the Federal Rule of Civil Procedure		
26	hereby stipulate and request the Court enter an order as follows:		
27	///		

1	IT IS HEREBY STIPULATED, that the Plaintiffs and Defendants hereby dismiss the		
2	Complaint and Counter-Claim in the above captioned action with prejudice and each party to this		
3	stipulation for dismissal with prejudice shall bear its own attorneys fees and costs incurred herein.		
4	IT IS SO STIPULATED.		
5	Dated: January 5, 2010	LAW OFFICES OF JOSEPH W. SCALIA, APC	
6			
7			
8		By: /s/ Joseph W. Scalia Joseph W. Scalia, Esq.	
9		Attorney for Plaintiffs/Counter-Defendants	
10			
11	Dated: January 4, 2010	By: /s/ Glen C. Shea	
12		Glen C. Shea, Esq. Attorney for Defendants/Counter-Claimants	
13			
14			
15	IT IS SO ORDERED.		
16	DATED: January 7, 2010	/s/ John A. Mendez	
17	211122	Honorable John A. Mendez	
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			