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 9 GENERAL ELECTRIC CAPITAL  
 10 CORPORATION, CEF FUNDING II, L.L.C.  
 11 and CEF FUNDING V, LLC

8 UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO

10 GENERAL ELECTRIC CAPITAL  
 11 CORPORATION; CEF FUNDING II,  
 12 L.L.C. and CEF FUNDING V, LLC,

13 Plaintiffs,

14 v.

15 TEN FORWARD DINING, INC.;  
 16 DELIGHTFUL DINING, INC.; TGIA  
 17 RESTAURANTS, INC.; KOBRA  
 18 RESTAURANT PROPERTIES, L.L.C.;  
 19 ABOLGHASSEM ALIZADEH; THE  
 20 MECHANICS BANK; EQUITY  
 21 LENDERS, LLC; APEX PROPERTY  
 22 ADVISORS INC.; KEY REAL ESTATE  
 23 EQUITY CAPITAL, INC.; COUNTY  
 24 OF SACRAMENTO DEPARTMENT  
 25 OF PUBLIC WORKS  
 26 ADMINISTRATION; STATE OF  
 27 CALIFORNIA EMPLOYMENT  
 28 DEVELOPMENT DEPARTMENT;  
 UNITED STATES OF AMERICA;  
 CITY OF CITRUS HEIGHTS; CITY OF  
 ELK GROVE; CITY OF REDDING;  
 CITY OF GRASS VALLEY; COUNTY  
 OF PLACER; COUNTY OF  
 SACRAMENTO; COUNTY OF  
 SHASTA; COUNTY OF NEVADA, and  
 DOES 1 – 100, INCLUSIVE,

Defendants.

Case No. 2:09-cv-03296-FCD-EFB

Assigned to Judge:  
 Hon. Frank C. Damrell, Jr.

Assigned to Magistrate:  
 Hon. Edmund F. Brennan

**STIPULATION FOR  
 DISMISSAL (WITHOUT  
 PREJUDICE) OF DEFENDANT  
 CITY OF ELK GROVE; ORDER**

Complaint Filed on: Nov. 25, 2009

4839-7442-2026.1

2:09-cv-03296-FCD-EFB

1 Plaintiffs General Electric Capital Corporation (“GECC”); CEF Funding II,  
2 L.L.C. (“CEF II”) and CEF Funding V, LLC (“CEF V,” and collectively with CEF  
3 II and GECC, “Plaintiffs”), on the one hand, and Defendant City of Elk Grove  
4 (“Defendant”; Defendant and Plaintiffs, collectively, the “Parties”), by and through  
5 their respective attorneys of record, HERBY STIPULATE AND AGREE UPON  
6 THE FOLLOWING:

7 1. On November 25, 2009, Plaintiffs initiated this lawsuit by filing a  
8 Complaint for Damages and Injunctive Relief (“Complaint”) against various  
9 defendants, including Defendant. In the Complaint, Plaintiffs allege that Defendant  
10 may have or asserts an interest in the real and personal properties at issue in this  
11 lawsuit.

12 2. Plaintiffs have released their mortgage liens on and security interests  
13 in the 19373 Kobra Properties (as defined in the Complaint) and, accordingly, have  
14 agreed to dismiss, without prejudice, Defendant from this lawsuit.

15 3. In exchange for the foregoing dismissal, without prejudice, Defendant  
16 has agreed to a waiver of all fees and costs against Plaintiffs and to not seek any  
17 action relating thereto.

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SO STIPULATED AND AGREED:

Dated: September 2, 2011

KUTAK ROCK LLP

By: /s/ J. David Bournazian  
J. David Bournazian  
Attorneys for Plaintiffs  
GENERAL ELECTRIC CAPITAL  
CORPORATION, CEF FUNDING II,  
L.L.C. and CEF FUNDING V, LLC

Dated: September 2, 2011

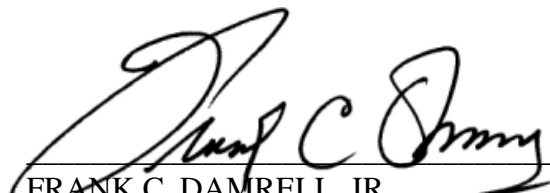
[CITY ATTORNEY FOR CITY OF ELK GROVE]

By: /s/ Susan E. Kennedy  
Suzanne E. Kennedy  
Deputy City Attorney for Defendant  
CITY OF ELK GROVE

**ORDER**

**IT IS SO ORDERED.**

**Dated: October 31, 2011**

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE