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Attorneys for Plaintiff AT&T Mobility LLC

**FILED**

APR 16 2013

CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY   
 DEPUTY CLERK

**UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA**

AT&T MOBILITY LLC,

Plaintiff,

v.

GENERAL CHARLES E. "CHUCK"  
 YEAGER (RET.); ED BOWLIN; CONNIE  
 BOWLIN; AVIATION AUTOGRAPHS;  
 BOWLIN & ASSOCIATES, INC.; LAW  
 OFFICES OF JOANNA R. MENDOZA,  
 P.C.; DE LA PENA & HOLIDAY, LLP;  
 LESSER LAW GROUP,

Defendants.

Case No. 2:13-Cv-00007-TLN-DAD

**JOINT STIPULATION RE  
 DISCHARGE AND DISMISSAL OF  
 PLAINTIFF AT&T MOBILITY  
 FROM INTERPLEADER ACTION;  
 [PROPOSED] ORDER THEREON**

Plaintiff AT&T MOBILITY LLC ("AT&T Mobility") and Defendants General  
 Charles E. "Chuck" Yeager (Ret.), Ed Bowlin, Connie Bowlin, Aviation Autographs, Bowlin  
 & Associates, Inc., De La Pena & Holiday and Lesser Law Group (collectively  
 "Defendants"), by and through their respective attorneys of record, hereby stipulate and agree  
 as follows:

**WHEREAS**, on November 21, 2007, Yeager filed that certain action styled *General  
 Charles E. "Chuck" Yeager (Ret.) v. AT&T Mobility, LLC, et al.*, Case No. CIV S07-2517

1 KJM GGH (the "Underlying Action"), in which he asserted various statutory and common  
2 law claims based upon AT&T Mobility's purported violation of Yeager's rights of publicity;

3 **WHEREAS**, on June 8, 2012, the jury in the Underlying Action entered a verdict in  
4 favor of AT&T Mobility on Yeager's common law right of publicity claim, and against  
5 AT&T Mobility on Yeager's statutory right of publicity claim, which was reduced to a  
6 money judgment against AT&T Mobility in the amount of \$135,000.

7 **WHEREAS**, post-trial law and motion regarding Yeager's entitlement to attorney's  
8 fees and costs resulted in an attorney's fees and cost award of \$173,585.72 for a total  
9 judgment of \$308,585.72 (the "Judgment").

10 **WHEREAS**, in accordance with the Order issued by the court in the Underlying  
11 Action, on December 19, 2012, AT&T Mobility was obligated to pay the Judgment within  
12 fourteen days.

13 **WHEREAS**, on January 2, 2013, AT&T Mobility brought this action for interpleader  
14 in accordance with 28 U.S.C. § 1335 and deposited \$308,668.95 into the Court's registry,  
15 which represents the full amount due on the Judgment (the "Deposited Funds");

16 **WHEREAS**, on January 2, 2013, Yeager filed a Supplemental Fee Motion in the  
17 Underlying Action, pursuant to which Yeager seeks to recover additional fees and costs from  
18 AT&T Mobility;

19 **WHEREAS**, on January 17, 2013, Yeager filed a Motion for Reconsideration of the  
20 court's December 19, 2012 Order granting Yeager \$173,585.72 in additional attorney's fees  
21 and costs in the Underlying Action, pursuant to which Yeager seeks to recover additional  
22 attorney's fees and costs from AT&T Mobility;

23 **WHEREAS**, Yeager's Supplemental Fee Motion and Motion for Reconsider are still  
24 pending in the Underlying Action, the Honorable Kimberly J. Mueller, judge presiding.  
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**WHEREAS**, on March 15, 2013, AT&T Mobility filed a Motion for Discharge from Statutory Interpleader (the “Discharge Motion”); and

**WHEREAS**, the parties wish to discharge and dismiss AT&T Mobility from the above-captioned interpleader action to obviate the need for further briefing on the issue of AT&T Mobility's entitlement to discharge and to afford AT&T Mobility the relief sought in the Discharge Motion without the need for a hearing;

**NOW THEREFORE**, the parties, through their respective counsel, jointly propose and stipulate to the following:

## ORDER

Pursuant to stipulation, **IT IS HEREBY ADJUDGED, ORDERED, AND DECREED** that upon AT&T Mobility's deposit into the Court's registry of the additional attorney's fees and costs, if any, awarded by the court in the Underlying Action in connection with Yeager's Supplemental Fee Motion and Motion for Reconsideration,

1. AT&T Mobility shall be discharged from any further liability as to the Judgment;

2. AT&T Mobility shall be absolved of any liability regarding any third-party claims concerning the Judgment;

3. AT&T Mobility shall be dismissed from this action; and

4. AT&T Mobility shall be awarded its allowable costs and reasonable attorney's fees incurred in connection with this action in the total amount of \$8,200, which shall be disbursed to AT&T Mobility from the Deposited Funds upon the Court's entry of this Order.

**IT IS FURTHER ORDERED** that while the court's rulings on AT&T Mobility's Supplemental Fee Motion and Motion for Reconsideration in the Underlying Action are still pending, this interpleader action shall be stayed as to AT&T Mobility only, and AT&T Mobility, during such time, shall not be obliged to provide initial disclosures or

1 otherwise participate in any discovery and no party may seek to adjudicate issues that affect  
2 AT&T Mobility and/or the Deposited Funds without seeking modification of this Order.

3 Respectfully submitted:

4 Dated: April 9, 2013

KOHUT & KOHUT LLP

5  
6 /s/ Ronald J. Kohut

Ronald J. Kohut

7 Attorneys for Plaintiff AT&T Mobility LLC

8  
9 Dated: April 9, 2013

THOMAS & ASSOCIATES

10 /s/ Michael Thomas

11 Michael Thomas

12 Attorney for General Charles E. "Chuck" Yeager

13 Dated: April 9, 2013

LESSER LAW GROUP

14 /s/ Don A. Lesser

15 By: Don A. Lesser

16 Defendant In Pro Per Don A. Lesser, Individually  
and d/b/a The Lesser Law Group

17 Dated: April 9, 2013

SERLIN & WHITEFORD, LLP

18 /s/ Mark A. Serlin

19 Mark A. Serlin, Esq., Attorney for

20 Connie and Ed Bowlin, Aviation Autographs &  
Bowlin & Associates

21 Dated: April 9, 2013

DE LA PENA & HOLIDAY

22 /s/ Bonnie Portis

23 Bonnie Portis

24 IT IS SO ORDERED.

25 Dated: April 16, 2013

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UNITED STATES DISTRICT JUDGE

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I hereby certify that on April 9, 2013 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

**Charles E. "Chuck" Yeager (Ret.)**  
**15995 Pleasant Valley Rd.,**  
**Penn Valley, CA 95946**  
**Defendant (VIA E-MAIL)**

**Michael Thomas, Esq.**  
**Thomas & Associates, Attorneys at Law**  
**2390 Professional Drive**  
**Roseville, CA 95661**  
**Attorney for Def. Charles E. "Chuck" Yeager (Ret.)**  
**[mthomas@thomas-lawyers.com](mailto:mthomas@thomas-lawyers.com)**

**Don Lesser, Esq.**  
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**1010 B. St., Suite 300**  
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**Defendant**  
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**Mark A. Serlin, Esq.**  
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**700 E. Street**  
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**Attorneys for Defendant Connie & Ed Bowlin,**  
**Aviation Autographs & Bowlin & Associates**  
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**Bonnie Portis, Esq.  
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