

TRAINOR FAIRBROOK
Attorneys At Law
980 FULTON AVENUE
SACRAMENTO, CALIFORNIA 95825
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

1 TRAINOR FAIRBROOK
2 DANIEL M. STEINBERG (SBN 194948)
3 dsteinberg@trainorfairbrook.com
4 JESSICA A. ROBISON (SBN 220846)
5 jrobison@trainorfairbrook.com
6 980 Fulton Avenue
7 Sacramento, California 95825
8 Telephone: (916) 929-7000
9 Facsimile: (916) 929-7111
10 mlr:1614058.1402986.1

11 Attorneys for Counter-Defendant/Counter-Claimant
12 CMD SERVICES, INC.

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 BYRON CHAPMAN,
16 Plaintiff,

17 v.

18 TOGO'S; JOSEPH LUKSICH and
19 NORMA LUKSICH, Trustees under THE
20 LUKSICH FAMILY TRUST, dated
21 January 3, 1991; LOUIE J. CROCE and
22 ANNA M. CROCE, Trustees under THE
23 CROCE FAMILY TRUST, dated May 2,
24 1991; and FARR HOLDINGS
25 CORPORATION, a California Corporation
26 dba TOGO'S BASKIN ROBBINS,
27 Defendants.

28 JOSEPH LUKSICH and NORMA
LUKSICH, Trustees under THE LUKSICH
FAMILY TRUST, dated January 3, 1991;
LOUIE J. CROCE and ANNA M. CROCE,
Trustees under THE CROCE FAMILY
TRUST, dated May 2, 1991,
Counter- Claimants,

v.

CMD SERVICES, INC., and FARR
HOLDINGS CORPORATION, a
California Corporation dba TOGO'S
BASKIN ROBBINS,
Counter-Defendants.

Case No. 2:14-CV-00330-MCE-EFB

**CMD SERVICES, INC.'S NOTICE OF
VOLUNTARY DISMISSAL OF
COUNTERCLAIM; ORDER**

Complaint Filed: February 3, 2014
Trial Date: March 11, 2016

TRAINOR FAIRBROOK
Attorneys At Law
980 FULTON AVENUE
SACRAMENTO, CALIFORNIA 95825
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

1 CMD SERVICES, INC.,
2
3 Counter- Claimant,

4 v.

5 JOSEPH LUKSICH and NORMA
6 LUKSICH, Trustees under THE LUKSICH
7 FAMILY TRUST, dated January 3, 1991;
8 LOUIE J. CROCE and ANNA M. CROCE,
9 Trustees under THE CROCE FAMILY
10 TRUST, dated May 2, 1991; and FARR
11 HOLDINGS CORPORATION, a
12 California Corporation dba TOGO'S
13 BASKIN ROBBINS,

14 Counter-Defendants.

15 Pursuant to Federal Rule of Civil Procedure 41(c), Counter-Defendant and Counter-
16 Claimant CMD SERVICES, INC. ("CMD"), and in accordance with the Settlement Agreement
17 dated November 13, 2015 and entered into by all parties, by and through their counsel, hereby
18 dismisses their Counterclaim with prejudice in its entirety. Each party is to bear their own
19 attorneys' fees and costs.

20 Dated: November 19, 2015

TRAINOR FAIRBROOK

21 By: /s/ Daniel M. Steinberg


DANIEL M. STEINBERG

22 **ORDER**

23 It is hereby ordered that CMD SERVICES, INC.'s Counterclaim is DISMISSED with
24 prejudice in its entirety. Each party shall bear its own attorneys' fees and costs.

25 IT IS SO ORDERED.

26 Dated: November 30, 2015

27 
28 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT