

1 THOMAS E. FRANKOVICH (S.B.N. 074414)
 2 THOMAS E. FRANKOVICH,
 3 **A PROFESSIONAL LAW CORPORATION**
 1832-A Capitol Street
 Vallejo, CA 94590
 Telephone: (415) 674-8600
 Facsimile: (415) 674-9900
 Email: tfrankovich@disabilitieslaw.com

6 Attorney for Plaintiff

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

11 BYRON CHAPMAN,
 12 Plaintiff,
 13 v.
 14 TOGO’S; JOSEPH LUKSICH and
 15 NORMA LUKSICH, Trustees under THE
 LUKSICH FAMILY TRUST, dated
 16 January 3, 1991; LOUIE J. CROCE and
 ANNA M. CROCE, Trustees under THE
 17 CROCE FAMILY TRUST, dated May 2,
 18 1991; and FARR HOLDINGS
 CORPORATION, a California Corporation)
 19 dba TOGO’S/BASKIN ROBBINS,)
 20 Defendants.

CASE NO. 2:14-CV-00330-MCE-EFB
STIPULATION OF DISMISSAL AND
ORDER THEREON

22 The Parties, by and through their respective counsel, stipulate to dismissal of this
 23 action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of
 24 the Settlement Agreement and General Release (“Agreement”) herein, each side is to bear its
 25 own costs and attorneys’ fees.

26 The parties further consent to and request that the Court retain jurisdiction over
 27 enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994)

1 (empowering the district courts to retain jurisdiction over enforcement of settlement
2 agreements).

3 Therefore, IT IS HEREBY STIPULATED by and between the parties to this action
4 through their designated counsel that the above-captioned action become and hereby is
5 dismissed with prejudice.

6 This stipulation may be executed in counterparts, all of which together shall
7 constitute one original document.

8 Respectfully Submitted,

9 Dated: November 20, 2015

10 THOMAS E. FRANKOVICH,
11 *A PROFESSIONAL LAW CORPORATION*

12 By: /s/ Thomas E. Frankovich
13 Thomas E. Frankovich
14 Attorney for Plaintiff Byron Chapman

15 Dated: November 20, 2015

16 **PAHL & MCCAY**

17 By: /s/ Servando R. Sandova
18 Servando R. Sandova, Attorney for Defendants
19 JOSEPH LUKSICH and NORMA LUKSICH,
20 Trustees under THE LUKSICH FAMILY
21 TRUST, dated January 3, 1991; LOUIE J.
22 CROCE and ANNA M. CROCE, Trustees
23 under THE CROCE FAMILY TRUST, dated
24 May 2, 1991

25 Dated: November 20, 2015

26 **PORTER | SCOTT**
27 A Professional Law Corporation

28 By: /s/ William E. Camy
William E. Camy Attorneys for Defendants
FARR HOLDINGS CORPORATION

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1 November 20, 2015

TRAINER FAIRBROOK


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3 By: /s/ Daniel M. Steinberg
4 Daniel M. Steinberg
5 Attorney for Counter-Defendant/Counter-
6 Claimant CMD Services, Inc.

7 **ORDER**

8 It is hereby ordered that this matter is dismissed with prejudice pursuant to
9 Fed.R.Civ.P.41(a)(2) and each side is to bear its own costs and attorneys' fees. It is further
10 ordered that the Court shall retain jurisdiction for the purpose of enforcing the parties'
11 Settlement Agreement and General Release should such enforcement be necessary. In the
12 meantime, the Clerk of the court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: December 1, 2015

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16 MORRISON C. ENGLAND, JR., CHIEF JUDGE
17 UNITED STATES DISTRICT COURT
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