

1 MICHAEL J. STORTZ (SBN 139386)  
 michael.stortz@dbr.com  
 2 MATTHEW J. ADLER (SBN 273147)  
 matthew.adler@dbr.com  
 3 DRINKER BIDDLE & REATH LLP  
 50 Fremont Street, 20th Floor  
 4 San Francisco, CA 94105-2235  
 Telephone: (415) 591-7500  
 5 Facsimile: (415) 591-7510

6 Attorneys for Plaintiff  
 C&S WHOLESALE GROCERS, INC., on behalf of  
 7 Estate of Delano Retail Partners, LLC

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 C&S WHOLESALE GROCERS, INC., a  
 12 Vermont corporation, on behalf of Estate of  
 Delano Retail Partners, LLC,

13 Plaintiff,

14 v.

15 HARLEY DELANO, an individual;  
 16 DENNIS DELANO, an individual;  
 JOSEPH NERI, an individual; 2040  
 17 FAIRFAX, INC., a California corporation;  
 and DOES 1 through 25,

18 Defendants.  
 19

Case No. 2:14-cv-02215-TLN-DAD

**STIPULATION AND ORDER OF  
 DISMISSAL WITH PREJUDICE**

20  
21  
22  
23  
24  
25  
26  
27  
28

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), the undersigned parties, through  
2 their counsel of record, hereby stipulate to the dismissal with prejudice of Plaintiff's claims  
3 asserted against Defendants Harley Delano, Dennis Delano, and 2040 Fairfax, Inc., with the  
4 parties bearing their own attorneys' fees and costs, and on condition that the Court retains  
5 jurisdiction to enforce the terms of the Settlement Agreement executed by and between Plaintiff  
6 and Defendants Harley Delano, Dennis Delano, and 2040 Fairfax, Inc.

7 **IT IS SO STIPULATED.**

8  
9 Dated: January 30, 2015

DRINKER BIDDLE & REATH LLP

11 By: /s/ Michael J. Stortz

12 Michael J. Stortz  
13 Matthew J. Adler

14 Attorneys for Plaintiff  
15 C&S WHOLESALE GROCERS, INC., on  
16 behalf of Estate of Delano Retail Partners,  
17 LLC

18  
19 Dated: January 29, 2015

KORNFIELD, NYBERG, BENDES & KUHNER,  
P.C.

21 By: /s/

22 Eric A. Nyberg

23 Attorneys for Defendants  
24 HARLEY DELANO, DENNIS DELANO,  
25 and 2040 FAIRFAX, INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: January 30, 2015

HANSEN, KOHLS, SOMMER & JACOB, LLP

By: /s/ \_\_\_\_\_

Daniel V. Kohls  
Bret N. Batchman

Attorneys for Defendant  
JOSEPH NERI

**ORDER OF DISMISSAL WITH PREJUDICE**

Pursuant to the foregoing Stipulation of the parties, and for good cause appearing, **IT IS  
HEREBY ORDERED THAT:**

1. Plaintiff's claims asserted against Defendants Harley Delano, Dennis Delano, and 2040 Fairfax, Inc. ONLY are DISMISSED WITH PREJUDICE; and
2. The Court shall retain jurisdiction to enforce the terms of this Order and the terms of the Settlement Agreement executed by and between Plaintiff and Defendants Harley Delano, Dennis Delano, and 2040 Fairfax, Inc.

Dated: February 2, 2015

Troy L. Nunley  
United States District Judge