

1 Paul P. Spaulding III (State Bar No. 083922)
 sspaulding@fbm.com
 2 James H. Colopy (State Bar No. 172806)
 jcolopy@fbm.com
 3 Ruth Ann Castro (State Bar No. 209448)
 rcastro@fbm.com
 4 Farella Braun + Martel LLP
 235 Montgomery Street, 17th Floor
 5 San Francisco, CA 94104
 Telephone: (415) 954-4400
 6 Facsimile: (415) 954-4480

7 Peter W. McGaw (State Bar No. 104691)
 pmcgaw@archernorris.com
 8 John L. Kortum (State Bar No. 148573)
 jkortum@archernorris.com
 9 ARCHER NORRIS
 2033 North Main Street, Suite 800
 10 Walnut Creek, CA 94596-3728
 Telephone: (925) 930-6600
 11 Facsimile: (925) 930-6620

12 Attorneys for Plaintiffs and Counter-Defendants
 SPPI-SOMERSVILLE, INC. and
 13 SOMERSVILLE-GENTRY, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 SPPI-SOMERSVILLE, INC. and
 SOMERSVILLE-GENTRY, INC.,
 18 Plaintiffs,
 19 vs.
 20 TRC COMPANIES, INC., *et al.*,
 21 Defendants.

Case No. C 04-2648 SI
 (Consolidated with Case No. C 07-05824 SI)

**STIPULATION AND [PROPOSED] ORDER
 FOR DISMISSAL BETWEEN PLAINTIFFS
 AND DEFENDANT CHEVRON U.S.A. INC.**

Judge: Hon. Susan Illston

22 SPPI-SOMERSVILLE, INC. and
 23 SOMERSVILLE-GENTRY, INC.,
 24 Plaintiffs,
 25 vs.
 26 CHEVRON U.S.A., INC., as successor to
 Standard Oil of California, Inc.,
 27 Defendants.

28

1 WHEREAS on September 18, 2009, Plaintiffs SPPI-SOMERSVILLE, INC. and
2 SOMERSVILLE-GENTRY, INC. (“Plaintiffs”) and defendant CHEVRON U.S.A. INC.
3 (“Chevron”) reached a settlement that is codified in a Settlement Agreement;

4 WHEREAS on September 22, 2009, the Court issued an Order (Dkt No. 702) granting
5 Chevron’s Motion for Order Determining Good Faith of Settlement;

6 WHEREAS, Section V of the Settlement Agreement provides that Plaintiffs will dismiss
7 with prejudice each and every claim, demand or cause of action by Plaintiffs against Chevron set
8 forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI;

9 WHEREAS, Section V of the Settlement Agreement provides that Chevron will dismiss
10 with prejudice each and every claim, demand or cause of action by Chevron against Plaintiffs set
11 forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI

12 **STIPULATION**

- 13 1. Each and every claim, demand or cause of action by Plaintiffs against Chevron set
- 14 forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI is dismissed with
- 15 prejudice;
- 16 2. Each and every claim, demand or cause of action by Chevron against Plaintiffs set
- 17 forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI is dismissed with
- 18 prejudice;

19 **IT IS SO STIPULATED**

20 DATED: October 5, 2009 FARELLA BRAUN + MARTEL LLP

21
22 By: _____/s/
James H. Colopy

23 Attorneys for Plaintiffs
24 SPPI-SOMERSVILLE, INC., and
SOMERSVILLE-GENTRY, INC.

25
26 Concurrence in filing this document was obtained from Blaine I. Green in compliance
27 with General Order No. 45, Section X.

