Case 3:07-cv-04395-JCS Document 29 Filed 01/23/2009 Page 1 of 3 THOMAS E. FRANKOVICH (State Bar No. 074414) THOMAS E. FRANKOVICH, A Professional Law Corporation 4328 Redwood Hwy., Suite 300 San Rafael, CA 94903 3 Telephone: 415/674-8600 Facsimile: 415/674-9900 4 5 Attorneys for Plaintiffs CRAIG YATES and DISABILITY RIGHTS ENFORCEMENT, **EDUCATION SERVICES** 6 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 CRAIG YATES, an individual; and **CASE NO. CV-07-4395-JCS** DISABILITY RIGHTS ENFORCEMENT. EDUCATION, SERVICES: HELPING 11 STIPULATION OF DISMISSAL AND YOU HELP OTHERS, a California public PROPOSED ORDER THEREON benefit corporation, 12 Plaintiffs, 13 14 v. RED'S RECOVERY ROOM, INC., a California corporation; and TOWNSEND 16 CAPITAL PARTNERS, LLC 17 **Defendants** 18 19 The parties, by and through their respective counsel, stipulate to dismissal of this action 20 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the 21 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own 22 costs and attorneys' fees. The parties further consent to and request that the Court retain 23 jurisdiction over enforcement of the Agreement. See Kokonen v. Guardian Life Ins. Co., 511 24 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of 25 settlement agreements). 26 /// 27 /// 28 /// STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON CV-07-4395-JCS

1	Therefore, IT IS HEREBY STIPULATED by and between parties to this action through	
2	their designated counsel that the above-captioned action be and hereby is dismissed with	
3	prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).	
4	This stipulation may be executed in counterparts, all of which together shall constitute	
5	one original document.	
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7	7 Dated: January 21, 2009	IOMAS E. FRANKOVICH, PROFESSIONAL LAW CORPORATION
8		PROFESSIONAL LAW CORPORATION
9	9 By	Thomas E. Frankovich
10	O At	torneys for Plaintiffs CRAIG YATES and SABILITY RIGHTS ENFORCEMENT,
11	1 EI	DUCATION SERVICES
12	2	
13	Dated: January 23, 2009	HN H. FELDMANN, III w Office of John H. Feldmann, III
14		w Office of John II. I clamami, III
15	5 By	7: /S/ John H. Feldmann, III
16	6 A1	torneys for Defendant TOWNSEND CAPITAL ARTNERS, LLC
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	II	

1	Dated: January 21, 2009  GAIL F. FLATT, Provencher & Flatt LLP	
2 3	By:/S/ Gail F. Flatt	
4	Gail F. Flatt Attorneys for Defendant RED'S RECOVERY ROOM, INC. a California corporation	
5		
6	<u>ORDER</u>	
7	IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to	
8	Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for	
10	the purpose of enforcing the parties' Settlement Agreement and General Release should such	
11	enforcement be necessary.	
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13	January 26	
14	DATED: January 26 , 2009  Honorabe Judge Joseph C. Spero	
15	Honorade Judge Joseph Sudge Judge Ju	
16	United States wagistrate Judge	
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