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 25 *and Douglas B. Allen*

26 **UNITED STATES DISTRICT COURT**
 27 **NORTHERN DISTRICT OF CALIFORNIA**

28 RICHARD W. BERGER and BRANT W.
 BERGER,
 Plaintiffs,
 vs.
 SEYFARTH SHAW LLP, an Illinois limited
 liability partnership; JACK L. SLOBODIN, an
 individual; BURNETT, BURNETT & ALLEN, a
 California partnership; DOUGLAS B. ALLEN, an
 individual; and DOES 1-100, inclusive,
 Defendants.

Case No.: 07-cv-05279-JSW
**STIPULATION RE: DISMISSAL WITH
 PREJUDICE AND ~~PROPOSED~~ ORDER
 THEREON**
[Fed. R. Civ. P., Rule 41]
 Honorable Judge Jeffrey S. White, Presiding
 (E-Filing)

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs Richard W. Berger and

1 Brant W. Berger (“Plaintiffs”), on the one hand, and Defendants Seyfarth Shaw LLP, Jack L. Slobodin,
2 Burnett, Burnett & Allen and Douglas B. Allen (collectively “Defendants”), on the other hand, hereby
3 stipulate as follows:

4 WHEREAS, on or about August 3, 2009, the parties in this action entered into a settlement
5 agreement; and

6 WHEREAS, Plaintiffs and Defendants agree that this action can be dismissed with prejudice;
7 and

8 WHEREAS, Plaintiffs and Defendants agree that each party shall bear its own attorneys’ fees
9 and costs incurred in this action; and

10 WHEREAS, Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure provides that the
11 plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all
12 parties who have appeared;

13 NOW THEREFORE, Plaintiff and Defendants, by and through their respective undersigned
14 counsel, hereby stipulate as follows:

15 1.0 This action shall be dismissed with prejudice.

16 2.0 Each party to this action shall bear its own attorneys’ fees and costs incurred in this
17 action.

18 3.0 This Stipulation shall be presented to the Court for an Order thereon.

19 4.0 Nothing in this Stipulation shall constitute a dismissal or release of claims between
20 Plaintiffs, on the one hand, and Beck, Ross, Bismonte & Finley, LLP, or any lawyer in
21 that firm, on the other hand, all of which claims are fully reserved.

22
23 Dated: October 12, 2009

By: /s/ Richard W. Berger
Richard W. Berger
Plaintiff

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26 Dated: October 12, 2009

By: /s/ Brant W. Berger
Brant W. Berger
Plaintiff

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KEKER & VAN NEST LLP

Dated: October 12, 2009

By: /s/ Daniel E. Purcell
Daniel E. Purcell
Attorneys for Defendants Seyfarth Shaw LLP and Jack L. Slobodin

BURNETT, BURNETT & ALLEN

Dated: October 12, 2009


By: /s/ Douglas B. Allen
Douglas B. Allen
Attorneys for Defendants Burnett, Burnett & Allen and Douglas B. Allen

~~PROPOSED~~ ORDER

The Stipulation of the parties for dismissal of the above action having been filed by the parties pursuant to a settlement of the action and good cause appearing therefor, the Court makes the following order:

IT IS HEREBY ORDERED that the above action is dismissed with prejudice, each party to bear their own costs and fees. Nothing in this order of dismissal shall be deemed to release or dismiss claims between Plaintiffs, on the one hand, and Beck, Ross, Bismonte and Finley, LLP, or any lawyer in that firm, on the other hand, all of which claims are fully reserved.

Dated: October 13, 2009

By: 
Hon. Jeffrey S. White
Judge of the United States District Court
Northern District of California