

1 JOHN D. GIFFIN, CASB No. 89608
 john.giffin@kyl.com
 2 JULIE L. TAYLOR, CASB No. 154341
 julie.taylor@kyl.com
 3 JOHN COX, CASB No. 197687
 john.cox@kyl.com
 4 KEESAL, YOUNG & LOGAN
 A Professional Corporation
 5 450 Pacific Avenue
 San Francisco, California 94133
 6 Telephone: (415) 398-6000
 Facsimile: (415) 981-0136

7 Attorneys for Defendant
 8 FOSS MARITIME COMPANY

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

12	MICHAEL D. BIRD,)	Case No. CV 07-05776 JL
13)	
14	Plaintiff,)	
15	vs.)	STIPULATED DISMISSAL WITH
16	FOSS MARITIME COMPANY,)	PREJUDICE; PROPOSED ORDER
17)	
18	Defendant.)	FRCP 41(A)(1)
19)	
20)	

20 WHEREAS, Plaintiff MICHAEL BIRD filed a lawsuit against FOSS
 21 MARITIME COMPANY ("Foss") in Contra Costa County Superior Court on or about
 22 October 2007, for wrongful termination and other claims under federal and California
 23 state law;

24 WHEREAS, Foss removed the case from the Superior Court to this Court
 25 based on 28 U.S.C. §§ 1441 (a) and (b), and filed its answer to Plaintiff's Complaint and
 26 denied all liabilities alleged therein;

27 WHEREAS, the parties have reached a settlement agreement on or about
 28 February 22, 2010;

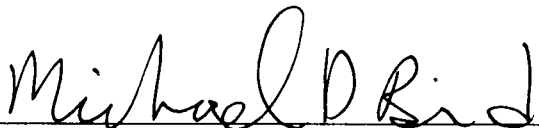
1 WHEREAS, Plaintiff and Foss have considered and honored the Notice of
2 Attorney's Lien filed by Daniel Bartley on July 29, 2008;

3 WHEREAS, pursuant to the terms of the settlement between Plaintiff and
4 Foss, Plaintiff will indemnify and defend Foss for any claims related to the Attorney's
5 Lien; and


6 WHEREAS, dismissal is appropriate as the result of the settlement
7 agreement entered into between the parties.

8
9 IT IS HEREBY STIPULATED AND AGREED by and between the parties
10 that the entire action may now be dismissed with prejudice pursuant to Federal Rule of
11 Civil Procedure 41(a), each party to bear its own respective costs and fees. The parties
12 therefore request that this Court Order that this matter be dismissed immediately with
13 prejudice with each party to bear its own costs and fees.

14
15
16 DATED: February 22, 2010


MICHAEL BIRD
PLAINTIFF

17
18
19 DATED: February 22, 2010


JOHN D. GIFFIN
JULIE L. TAYLOR
JOHN COX
KEESAL, YOUNG & LOGAN
Attorneys for Defendant
FOSS MARITIME COMPANY

~~PROPOSED~~ ORDER

Plaintiff MICHAEL BIRD and Defendant FOSS MARITIME COMPANY have jointly stipulated and advised the Court that this matter has been resolved. With GOOD CAUSE SHOWN, the Court hereby ORDERS:

1. This matter is dismissed with prejudice.
2. Each side will bear its own costs and fees.
3. All pending motions are deemed withdrawn and all future dates in this matter are vacated.

Dated: February 23, 2010



JAMES LARSEN
UNITED STATES MAGISTRATE JUDGE