

1 THOMAS E. FRANKOVICH (State Bar No. 074414)
 THOMAS E. FRANKOVICH,
 2 *A Professional Law Corporation*
 4328 Redwood Hwy., Suite 300
 3 San Rafael, CA 94903
 Telephone: 415/674-8600
 4 Facsimile: 415/674-9900

5 Attorneys for Plaintiffs
 IRMA RAMIREZ
 6 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION,
 7 SERVICES: HELPING YOU
 HELP OTHERS

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 IRMA RAMIREZ, an individual; and)
 DISABILITY RIGHTS, ENFORCEMENT,)
 12 EDUCATION, SERVICES:HELPING)
 YOU HELP OTHERS, a California public)
 13 benefit corporation,)

CASE NO. CV-08-1403-MEJ
STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER THEREON

14 Plaintiffs,)

15 v.)

16 MARTHA'S OLD MEXICO; PETER R.)
 BARBIERI and JUDITH A BARBIERI, as)
 17 trustees of the PETER R. BARBIERI and)
 JUDITH A BARBIERI FAMILY TRUST;)
 18 MARTHA LETICIA LOPEZ and ELVIA)
 LOBATO, individuals dba MARTHA'S)
 19 OLD MEXICO,)

20 Defendants.)
 _____)

21
 22 The parties, by and through their respective counsel, stipulate to dismissal of this action
 23 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
 24 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own
 25 costs and attorneys' fees. The parties further consent to and request that the Court retain
 26 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
 27 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
 28 settlement agreements).

ORDER

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary. The Clerk of Court shall close the file.

DATED: December 11, 2008



Honorable MARY ELENA JAMES
Chief United States Magistrate Judge