

1 JACK B. MCCOWAN, JR. (SBN: 062056)
 2 MELISSA M. FAIRBROTHER (SBN: 149787)
 3 GORDON & REES LLP
 Embarcadero Center West
 4 275 Battery Street, Suite 2000
 San Francisco, CA 94111
 Telephone: (415) 986-5900
 Facsimile: (415) 986-8054
 5
 Attorneys for Defendant
 6 ROBERT BOSCH TOOL CORPORATION

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

11	ABDALLA BAKER,)	USDC Action No. C-08-2457-JCS
12)	
	Plaintiff,)	STIPULATION AND AMENDED
13	vs.)	ORDER OF DISMISSAL
)	
14	JLG INDUSTRIES, INC.; ROBERT BOSCH)	
15	TOOL CORPORATION; SKIL; and DOES 1)	
	TO 20,)	
16)	
	Defendants.)	

17
 18 Defendant Robert Bosch Tool Corporation (“Bosch”) and plaintiff, Abdallah Baker, by
 19 and through their counsel, enter into the following stipulation, based upon the facts outlined
 20 below that they know to be true:

- 21 1. On February 12, 2009, counsel for plaintiff advised counsel for Bosch that plaintiff
 22 would dismiss this case against Bosch in consideration and exchange for Bosch’s agreement to
 23 waive the costs of suit to which it would otherwise be entitled. (Exhibit A, February 12, 2009
 24 email from Cory Birnberg to Melissa Fairbrother)
- 25 2. On February 13, 2009, counsel for Bosch advised counsel for plaintiff that Bosch
 26 would waive costs of suit in exchange for a dismissal with prejudice of the complaint as to Bosch
 27 and the execution by plaintiff of a release memorializing this agreement.
- 28 3. On the morning of February 13, 2009, counsel for plaintiff sent a letter to the Court


1 advising the Court that the "case has settled" and that the parties request that the Court issue a
2 conditional dismissal.

3 4. On February, 13, 2009, the Court issued an Order of Dismissal. (Exhibit B, Order of
4 Dismissal)

5 Based upon the preceding history of events, Bosch and plaintiff stipulate to and request
6 that the Court enter an Amended Order of Dismissal.

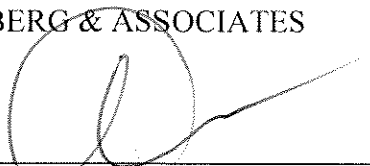
7
8 Dated: May 5, 2009

GORDON & REES LLP

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10 By: 
11 JACK B. MCCOWAN, JR.
12 Attorneys for Defendant
13 ROBERT BOSCH TOOL CORPORATION

14
15 
16 Dated: May , 2009

BIRNBERG & ASSOCIATES

17
18 By: 
19 CORY A. BIRNBERG
20 Attorneys for Plaintiff

21
22 AMENDED ORDER OF DISMISSAL

23 The Court having reviewed the stipulation of counsel for Bosch and plaintiff,
24 IT IS HEREBY ORDERED that the original Order of Dismissal entered on February 13,
25 2009 is amended to conform to the factual history outlined in counsel's stipulation, and this case
26 is dismissed in its entirety with prejudice.

27 IT IS SO ORDERED.

28 Dated: May 13, 2009

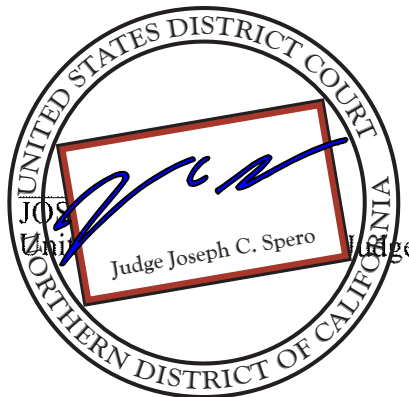


EXHIBIT A

From: "Cory Birnberg" <birnberg@birnberg.com>
Date: February 12, 2009 12:32:24 PM PST
To: "Melissa Fairbrother" <MFairbrother@gordonrees.com>
Cc: "Frank E. Schimaneck" <feschimaneck@drydenlaw.com>, "Jack McCowan" <JMcCowan@gordonrees.com>, <sefoe@drydenlaw.com>, "Jeanine Chavin" <jchavin@gordonrees.com>
Subject: RE: Baker v. JLG, et. al

Counsel

My client will dismiss for a waiver of costs. Please advise if this is now acceptable in settlement. Please advise me if you will want a release. If this is acceptable we will advise the court for a 90 day conditional dismissal.

Cory A. Birnberg

Cory A. Birnberg
Birnberg & Associates
1083 Mission St. Third Floor
San Francisco, CA 94103-2812
Voice: (415) 398-1040
Fax: (415) 398-2001
E-mail: birnberg@birnberg.com
Website: www.birnberg.com

Please note our new address- 1083 Mission St. 3rd Floor, San Francisco, California, 94103-2812 *effective November 1, 2008.*

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EXHIBIT B

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABDALLA BAKER,

No. C 08-02457 JCS

Plaintiff(s),

ORDER OF DISMISSAL

v.

JLG INDUSTRIES INC., ET. AL.,

Defendant(s).

United States District Court
For the Northern District of California

The Court having been advised that the parties have agreed to a settlement of this case,

IT IS HEREBY ORDERED that this case is dismissed in its entirety with prejudice; provided, however, that if any party hereto shall certify to this Court, within forty-five (45) days, with proof of service of a copy thereon to opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: February 13, 2009



JOSEPH C. SPERO
United States Magistrate Judge