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 6 BAY MARINE BOATWORKS, INC.

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 Attorneys for Defendant

10 **THE VESSEL HALI, HER ENGINES, TACKLE, LICENSES**
 11 **AND APPURTENANCES, OFFICIAL NUMBER 500326, *in rem***

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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16 BAY MARINE BOATWORKS, INC., a)	CASE NO.: CV08-3352 JL
California corporation,)	
)	STIPULATION FOR CONDITIONAL
17 Plaintiff,)	DISMISSAL WITH PREJUDICE AND
)	(PROPOSED) ORDER
18 v.)	
)	
19 The Vessel HALI, her engines, tackle, licenses)	
20 and appurtenances, Official Number 500326, <u>in</u>)	
<u>rem.</u>)	
)	
21 Defendant.)	

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23 It is stipulated by and between Plaintiff BAY MARINE BOATWORKS, INC. ("BMB")
 24 and Defendant THE VESSEL HALI, HER ENGINES, TACKLE, LICENSES AND
 25 APPURTENANCES, OFFICIAL NUMBER 500326, *in rem* ("HALI" or "DEFENDANT"),
 26 through BMB's counsel of record and HALI's counsel of record, and requested that, a settlement
 27 of this matter having been concluded that the above-entitled action be dismissed with prejudice
 28 pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure subject to the condition that

1
STIPULATION FOR CONDITIONAL DISMISSAL WITH PREJUDICE
AND (PROPOSED) ORDER (CV 08-3352 (JL))

1 if any party hereto certifies to this Court, with proof of service of a copy thereon on opposing
 2 counsel, within three hundred thirty (330) days of the date hereof, that settlement has not in fact
 3 occurred, the foregoing order shall be vacated and this case shall forthwith be restored to the
 4 calendar for further proceedings.

5 This stipulation and dismissal completely terminates the above entitled action against all
 6 parties. Each party will bear its own attorney's fees and costs.

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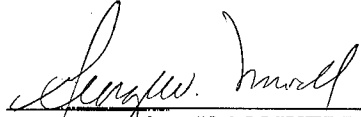
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1 The parties hereto also request that this Court retain jurisdiction in order to enforce the
2 terms and conditions of the settlement and release.

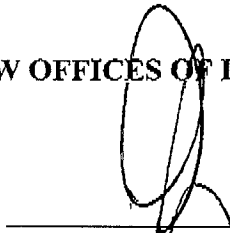
3 Dated: August 19, 2009

LAW OFFICES OF GEORGE W. NOWELL

4
5 By: 
6 GEORGE W. NOWELL
7 Attorneys for Plaintiff
8 BAY MARINE BOATWORKS, INC.

9 Dated: August 18, 2009

LAW OFFICES OF LYLE C. CAVIN, JR.

10
11 By: 
12 CHRISTOPHER GOODROE
13 Attorneys for Defendant
14 THE VESSEL HALI, HER ENGINES, TACKLE,
15 LICENSES AND APPURTENANCES, OFFICIAL
16 NUMBER 500326, *in rem* and Trung D. Vo

17 **ORDER**

18 The parties to the action have advised the court that they have agreed to a settlement.
19 IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE.
20 However, if any party certifies to this court, with proof of service of a copy thereon on opposing
21 counsel, within three hundred thirty (330) days of the date hereof, that settlement has not in fact
22 occurred, the foregoing order shall be vacated and this case shall forthwith be restored to the
23 calendar for further proceedings.

24 IT IS SO ORDERED.

25 DATED: August 20, 2009

26 By: 
27 HON. JAMES LARSON
28 UNITED STATES MAGISTRATE JUDGE

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