

HICKS THOMAS LLP
8001 Folsom Boulevard, Suite 100
Sacramento, California 95826
Telephone: (916) 388-0833

1 Eric Grant (Bar No. 151064)
grant@hicks-thomas.com
2 Hicks Thomas LLP
8001 Folsom Boulevard, Suite 100
3 Sacramento, California 95826
Telephone: (916) 388-0833
4 Facsimile: (916) 691-3261

5 John B. Thomas (Bar No. 269538)
jthomas@hicks-thomas.com
6 Jay N. Gross (*pro hac vice*)
jgross@hicks-thomas.com
7 Hicks Thomas LLP
700 Louisiana Street, Suite 2000
8 Houston, Texas 77002
Telephone: (713) 547-9100
9 Facsimile: (713) 547-9150

10 Counsel for Defendant
R.R. STREET & CO. INC.
11

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

16 KFD ENTERPRISES, INC., a California) No. 3:08-cv-04571-MMC
corporation dba Norman’s Dry Cleaner,)
17)
Plaintiff,)
18) **STIPULATED REQUEST FOR**
v.) **VOLUNTARY DISMISSAL WITH**
19) **PREJUDICE OF THIRD-PARTY**
CITY OF EUREKA, et al.,) **DEFENDANT WINZLER & KELLY’S**
20) **ENTIRE CROSS-CLAIM AGAINST**
Defendants.) **DEFENDANT R.R. STREET & CO. INC.**
21) **[Fed. R. Civ. P. 41(a)(2), (c); Civil L.R. 7-12]**
)
22 AND ALL RELATED CROSS-CLAIMS) Courtroom: 7 (19th Floor)
AND THIRD-PARTY CLAIMS.) Judge: Hon. Maxine M. Chesney
23 _____)

24 Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Civil L.R. 7-12, Third-
25 Party Defendant Winzler & Kelly (“Winzler”) and Defendant R.R. Street & Co. Inc. (“Street”)
26 hereby stipulate and respectfully request judicial action as follows:

27 WHEREAS, Winzler has asserted and prosecuted within this action a cross-claim against
28 Street, among other parties;

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1 WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(2)—as made applicable by
2 Rule 41(c)—Winzler now desires to dismiss with prejudice its entire cross-claim, and all claims
3 encompassed therein, against Street, while continuing its cross-claim against the other parties
4 named therein, *cf. Hells Canyon Preservation Council v. United States Forest Service*, 403 F.3d
5 683, 687 (9th Cir. 2005) (observing that Rule 41(a) “allow[s] the dismissal of *all* claims against
6 *one* defendant, so that a defendant may be dismissed from the entire action”); and

7 WHEREAS, Winzler and Street agree that each party will bear its own costs and attor-
8 neys’ fees with respect to Winzler’s cross-claim against Street;

9 THEREFORE, the parties hereto stipulate and respectfully request that this Court enter an
10 order dismissing with prejudice Winzler’s entire cross-claim, and all claims encompassed therein,
11 against Street only, each party to bear its own costs and attorneys’ fees.

12 Dated: October 24, 2011.

13 Respectfully submitted,

14 /s/ Eric Grant

15 Eric Grant
16 John B. Thomas
17 Jay N. Gross
18 Hicks Thomas LLP

19 Counsel for Defendant
20 R.R. STREET & CO. INC.

21 (The filer hereby attests that concurrence in
22 the filing of this document has been obtained
23 from the signatory below.)

24 SEVERSON & WERSON
25 A Professional Corporation

26 By: /s/ Peter C. Lyon
27 PETER C. LYON

28 Attorneys for Third-Party Defendant
WINZLER & KELLY

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 26, 2011.


Hon. MAXINE M. CHESNEY
United States District Judge