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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 DEFENDANT CITY**  
CITY OF EUREKA, et al., ) **OF EUREKA’S ENTIRE CROSS-**  
20 ) **CLAIM AGAINST DEFENDANT**  
Defendants. ) **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, Defend-  
25 ant City of Eureka (the “City”) and Defendant R.R. Street & Co. Inc. (“Street”) hereby stipulate  
26 and respectfully request judicial action as follows:

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

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

9 THEREFORE, the parties hereto stipulate and respectfully request that this Court enter an  
10 order dismissing with prejudice the City’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

Eric Grant

John B. Thomas

Jay N. Gross

Hicks Thomas LLP

15 Counsel for Defendant

16 R.R. STREET & CO. INC.

17 (The filer hereby attests that concurrence in  
18 the filing of this document has been obtained  
19 from the signatory below.)

20 DAVIDOVITZ & BENNETT LLP

21 By: /s/ Charles Bolcom

CHARLES BOLCOM

22 MORIS DAVIDOVITZ

23 CHARLES BOLCOM

24 Attorneys for Defendant, Cross-Claimant and  
Counter-Claimant CITY OF EUREKA

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26  
27 Dated: October 26, 2011.

28   
Hon. MAXINE M. CHESNEY  
United States District Judge