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FIRBIMATIC SpA
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

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.) **FIRBIMATIC SpA**
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 Firbimatic SpA (“Firbimatic”) hereby stipulate and
26 respectfully request judicial action as follows:

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

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

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 Firbimatic 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 Hicks Thomas LLP

18 Counsel for Defendant
19 FIRBIMATIC SpA

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


23 DAVIDOVITZ & BENNETT LLP

24 By: /s/ Charles Bolcom
25 CHARLES BOLCOM

26 MORIS DAVIDOVITZ
27 CHARLES BOLCOM
28 Attorneys for Defendant, Cross-Claimant and
Counter-Claimant CITY OF EUREKA

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 26, 2011.


Hon. MAXINE M. CHESNEY
United States District Judge