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 STEVENSON ENTERPRISES, a California general  
 9 partnership

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

14 STEVENSON ENTERPRISES, a California  
 general partnership

15 Plaintiff,

16 v.

17 ENRIQUETA MENDOZA; ESTATE OF  
 18 DAVID Z. MENDOZA; HAK CHON LEE;  
 JEUM SOON LEE; HYSL, Inc., a California  
 19 corporation; and YONG W. LEE,

20 Defendants.

21  
 22 AND RELATED CROSS-CLAIMS AND  
 23 COUNTER-CLAIMS

Case No. C 08-4845 EMC

STIPULATION RE PLAINTIFF'S  
 FILING OF A FIRST AMENDED  
 COMPLAINT AND STIPULATED  
 DISMISSALS;  
~~PROPOSED~~ ORDER

1 Stevenson Enterprises, a general partnership (“Stevenson”), Hak Chon Lee, Jeum Soon Lee,  
2 Enriqueta Mendoza, Yong W. Lee and HYSL, Inc. (hereinafter collectively the “Settling Parties”)  
3 jointly submit this Stipulated Dismissal and Stipulation re Plaintiff’s Filing of a First Amended  
4 Complaint and [Proposed] Order for the reasons set forth below:

5 1. WHEREAS on or about September 21, 2012, the Settling Parties executed a Master  
6 Settlement Agreement and separate Settlement Agreements to reflect differing terms and conditions  
7 of settlement by and among the respective Settling Parties;

8 2. WHEREAS in its Complaint, Plaintiff named the Estate of David Z. Mendoza  
9 individually as a Defendant. Plaintiff has been informed by Enriqueta Mendoza, by and through her  
10 attorney in fact and appointed guardian ad litem, that, to the best of her knowledge and belief, her  
11 husband, David Mendoza, passed away intestate;

12 3. WHEREAS California Probate Code §§550, *et seq.* provide that an action may be  
13 brought to establish a decedent’s liability for which the decedent was protected by insurance by  
14 naming as a defendant, “Estate of (name of decedent), Deceased”; and

15 4. WHEREAS the Master Settlement Agreement provides that within seven (7) days of  
16 execution, Stevenson will file a Stipulation to effect the intent of the Settling Parties to dismiss with  
17 prejudice certain claims in the above-entitled action;

18 IT IS THEREFORE HEREBY STIPULATED AND AGREED:

19 1. The parties stipulate, pursuant to Federal Rule of Civil Procedure 15(a)(2), that Plaintiff  
20 be allowed to file a First Amended Complaint naming the Estate of David Mendoza,  
21 Deceased as a defendant in this action. A copy of the proposed First Amended  
22 Complaint, is attached hereto as Exhibit “A”.

23 2. The following claims are hereby dismissed with prejudice pursuant to Federal Rule of  
24 Civil Procedure 41(a)(2):

- 25 a. Stevenson’s claims against Enriqueta Mendoza, the Estate of David Z. Mendoza  
26 (which dismissal shall not and does not act as a dismissal of Stevenson’s claim(s)  
27 against Estate of David Mendoza, Deceased pursuant to California Probate Code

1                    §§550, et. seq.), Jeum Soon Lee, Yong W. Lee and HYSL, Inc.;

2                    b. Hak Chon Lee and Jeum Soon Lee's cross-claims against Enriqueta Mendoza, the  
3                    Estate of David Z. Mendoza (which dismissal shall not and does not act as a  
4                    dismissal of Hak Chon Lee's claim(s) against Estate of David Mendoza, Deceased  
5                    pursuant to California Probate Code §§550, et. seq.), Yong W. Lee and HYSL,  
6                    Inc.;

7                    c. Enriqueta Mendoza's counterclaim against Stevenson and cross-claims against  
8                    Hak Chon Lee, Jeum Soon Lee, Yong W. Lee and HYSL, Inc.;

9                    d. Yong W. Lee and HYSL, Inc.'s counterclaim against Stevenson and cross-claims  
10                    against Enriqueta Mendoza, the Estate of David Z. Mendoza, Hak Chon Lee and  
11                    Jeum Soon Lee.

12                    3. The effect of the above dismissals and amendment is that all claims in the action against  
13                    Enriqueta Mendoza, the Estate of David Z. Mendoza, Jeum Soon Lee, Yong W. Lee,  
14                    HYSL, Inc. and Stevenson are dismissed with prejudice. The only remaining claims in  
15                    the action are Stevenson's claims against Hak Chon Lee and Stevenson's claims against  
16                    the Estate of David Mendoza, Deceased.

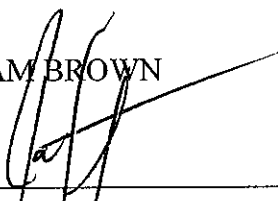
17                    4. The Settling Parties shall each bear their own costs, expenses, and attorney's fees arising  
18                    out of or connected with the execution of this Stipulated Dismissal, and all matters  
19                    arising out of or connected herewith.

20                    5. The Court shall retain jurisdiction over the matter for six (6) months to enforce the  
21                    Parties' respective settlement agreements and dismissal of claims between the Settling  
22                    Parties.


23                    6. This stipulation may be executed in any number of counterparts, each executed  
24                    counterpart constituting an original but all together only one stipulation. Electronic  
25                    delivery by email, facsimile or otherwise of an executed counterpart of a signature page  
26                    to this stipulation shall be effective as delivery of an original executed counterpart of  
27                    this stipulation.

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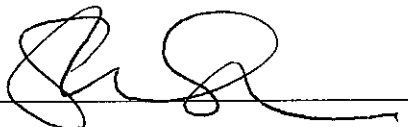
Dated: September 21, 2012

BURNHAM BROWN  
By:   
JACK SCHWARTZ, JR.  
Attorneys for  
STEVENSON ENTERPRISES

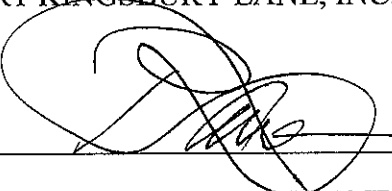
Dated: September 21, 2012

WINSTON & STRAWN LLP  
By:   
MATTHEW NARENSKY  
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ENRIQUETA MENDOZA

Dated: September 21, 2012

ROBERTS & ELLIOT, LLP  
By:   
JAMES ROBERTS  
SHARMI PAREKH SHAH  
Attorneys for  
HAK CHON LEE AND JEUM SOON LEE

Dated: September 21, 2012

ROBERT KINGSBURY LANE, INC.  
By:   
ROBERT KINGSBURY LANE  
Attorney for  
HYSL, INC. AND YONG W. LEE

1 Pursuant to the Stipulation, the First Amended Complaint shall be accepted for filing and shall be  
2 deemed filed upon entry of this Stipulation as an Order, and the following claims are hereby  
3 dismissed with prejudice:

- 4 a. Stevenson's claims against Enriqueta Mendoza, the Estate of David Z. Mendoza,  
5 Jeum Soon Lee, Yong W. Lee and HYSL, Inc.;
- 6 b. Hak Chon Lee and Jeum Soon Lee's cross-claims against Enriqueta Mendoza, the  
7 Estate of David Z. Mendoza, Yong W. Lee and HYSL, Inc.;
- 8 c. Enriqueta Mendoza's counterclaim against Stevenson and cross-claims against Hak  
9 Chon Lee, Jeum Soon Lee, Yong W. Lee and HYSL, Inc.;
- 10 d. Yong W. Lee and HYSL, Inc.'s counterclaim against Stevenson and cross-claims  
11 against Enriqueta Mendoza, the Estate of David Z. Mendoza, Hak Chon Lee and  
12 Jeum Soon Lee.

13 Accordingly, all claims in the action against Enriqueta Mendoza, the Estate of David Z.  
14 Mendoza, Jeum Soon Lee, Yong W. Lee, HYSL, Inc. and Stevenson are dismissed with prejudice.  
15 The only remaining claims in the action are Stevenson's claims against Hak Chon Lee and  
16 Stevenson's claims against the Estate of David Mendoza, Deceased.

17 The Court shall retain jurisdiction over the matter for six (6) months to enforce the Parties'  
18 respective settlement agreements and dismissal of claims between the Settling Parties.

19 The Settling Parties shall each bear their own costs, expenses, and attorney's fees arising out  
20 of or connected with the execution of this Stipulated Dismissal, and all matters arising out of or  
21 connected herewith.

22  
23 **IT IS SO ORDERED.**

24  
25  
26 Dated: October 1, 2012

  
\_\_\_\_\_  
EDWARD M. CHEN  
United States District Court Judge