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7 Attorneys for plaintiffs

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 AIK CHEONG NEO, an individual D/B/A PO  
 LO KU TRADING, and KAI CHANG HO, an  
 11 individual

Civil Action No. C09-00739

12 Plaintiffs

13 vs.

**STIPULATION OF DISMISSAL OF  
 DEFENDANT DONG PHUONG INC, a  
 California Corporation D/B/A ABC  
 SUPERMARKET WITH PREJUDICE,  
 PURSUANT TO FED. R. CIV. P. 41(a)(1)  
 AND ORDER**

14 MARINA BROTHERS, INC., a California  
 Corporation D/B/A MARINA FOOD #5;  
 15 WELCOME MARKET, INC., a California  
 Corporation D/B/A 99 RANCH MARKET;  
 T. L. LONGCHAMP CORPORATION, a  
 16 California Corporation D/B/A LION FOOD  
 CENTER; WING WA, INC., a California  
 17 Corporation D/B/A WING WA  
 SUPERMARKET; NGU HANH SON INC. a  
 18 California Corporation D/B/A CHO SENTER  
 MARKET; ROYAL CAPITAL GROUP, LLC.  
 19 D/B/A NEW ASIA SUPERMARKET;  
 LINCHANG Liu and YI-HUI LIU, individuals  
 20 D/B/A EIGHT-WAY VEGE; HAWAII  
 SUPERMARKET; MY THUAN, INC. , a  
 21 California Corporation D/B/A MY THUAN  
 SUPERMARKET; DONG PHUONG INC, a  
 22 California Corporation D/B/A ABC  
 SUPERMARKET; SAIGON CITY  
 23 INVESTMENT, INC., a California Corporation,  
 D/B/A SAIGON CITY MARKETPLACE;  
 24 CHUNG WORLD CORPORATION, a  
 California Corporation, D/B/A QUANG MINH  
 25 SUPERMARKET; HOA BINH GARDEN  
 GROVE SUPERMARKET, INC., a California  
 26 Corporation; KAM LEE YUEN TRADING  
 CO., INC., a California Corporation; SUNNY  
 27 GOLD INC., a New York Corporation; PO LO  
 KU TRADING, INC., a New York Corporation;  
 28 and JOHN DOES 1-20;

Defendants.

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Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs Aik Cheong Neo, an individual D/B/A Po Lo Ku Trading (“Neo”), and Kai Chang Ho, an individual (“Ho”) and Defendant Dong Phuong, Inc., a California Corporation D/B/A ABC Supermarket (“ABC Supermarket”) hereby stipulate and jointly request that the Court dismiss Neo’s and Ho’s claims against ABC Supermarket, *with prejudice*. Neo, Ho, and ABC Supermarket jointly declare the following in support of this request:

WHEREAS the above-captioned action (the “Action”) was commenced on February 19, 2009, with service accomplished upon ABC Supermarket thereafter.

WHEREAS Neo, Ho, and ABC Supermarket have entered into a settlement agreement on June 24, 2009, resolving all of the claims against ABC Supermarket in the Action.

NOW THEREFORE, IT IS HEREBY STIPULATED and agreed by Neo, Ho, and ABC Supermarket, and through their counsel of record, that Neo’s and Ho’s claims against ABC Supermarket be dismissed with prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. In accordance with the Agreement, Neo, Ho, and ABC Supermarket also request that this Court retain and have exclusive jurisdiction over Neo, Ho, and ABC Supermarket with respect to disputes arising under the Agreement, and further agree that any such disputes arising under the Agreement shall be heard before a Magistrate Judge.

IT IS FURTHER STIPULATED and agreed by Neo, Ho, and ABC Supermarket, and through their counsel of record, that Neo, Ho, and ABC Supermarket are to bear their own costs and attorneys’ fees.

**IT IS SO STIPULATED.**

Dated: September 3, 2009

LAW OFFICES OF RICHARD C.J. WAHNG

By: \_\_\_\_\_/s/  
Richard C. J. Wahng  
Attorney for Plaintiffs  
Aik Cheong Neo, and individual and d/b/a  
Po Lo Ku Trading, and  
Kai Chang Ho, an individual

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Dated: September 2, 2009

OSWALD & YAP

By: \_\_\_\_\_/s/  
Jay Ying Chiu  
Attorneys for Defendant  
Dong Phuong, Inc. a California Corporation d/b/a  
ABC Supermarket

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**ORDER**

Having considered Plaintiffs Aik Cheong Neo, an individual D/B/A Po Lo Ku Trading, and Kai Chang Ho, an individual, and Defendant Dong Phuong, Inc., a California Corporation D/B/A ABC Supermarket's Stipulation of Dismissal with Prejudice, Pursuant to Fed. R. Civ. P. 41(a)(1) ("Amended Stipulation of Dismissal"), and for good cause appearing, it is hereby **ORDERED** that this Action, and associated cross-claims, is dismissed with prejudice as to Defendant Dong Phuong, Inc., a California Corporation D/B/A ABC Supermarket.

**IT IS FURTHER ORDERED** that the Court shall retain and have exclusive jurisdiction over Plaintiffs Aik Cheong Neo, an individual D/B/A Po Lo Ku Trading and Kai Chang Ho, an individual, and Defendant Dong Phuong, Inc., a California Corporation D/B/A ABC Supermarket with respect to disputes arising under the Agreement, and any such disputes arising under the Agreement shall be heard before a Magistrate Judge.

**IT IS FURTHER ORDERED** that Plaintiffs Aik Cheong Neo, an individual D/B/A Po Lo Ku Trading, and Kai Chang Ho, an individual, and Defendant Dong Phuong, Inc., a California Corporation D/B/A ABC Supermarket bear their own attorneys' fees and costs.

Dated: September 11, 2009 \_\_\_\_\_

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