

1 JOSEPH P. MCMONIGLE, State Bar #66811
 JESSICA R. MACGREGOR, State Bar #168777
 2 DAVID P. NEMECEK, JR. State Bar #194402
 LONG & LEVIT LLP
 3 465 California Street, Suite 500
 San Francisco, California 94104
 4 Telephone: (415) 397-2222
 Facsimile: (415) 397-6392
 5 Email: jmcmonigle@longlevit.com
jmacgregor@longlevit.com
 6 dnemecek@longlevit.com

7 Specially appearing for Cross-Defendant
 ROBERT LASKOWSKI (erroneously sued as Robert
 8 Laskowsky)

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

12 ENCOMPASS HOLDINGS, INC., a
 Nevada corporation,

13 Plaintiff,

14 vs.

15 CAREY F. DALY II, an individual; and
 16 RANDALL J. LANHAM, an individual,

17 Defendants.

18 CAREY F. DALY II, an individual; and
 19 RANDALL J. LANHAM, an individual,

20 Counter-Claimants,

21 vs.

22 ENCOMPASS HOLDINGS, INC., a
 Nevada corporation; J. SCOTT WEBBER,
 23 an individual and in his representative
 capacity; LARRY J. COOPER, an
 24 individual; KIRK HURFORD, an
 individual and in his representative
 25 capacity; SHIRLEY HARMON, an
 individual; DAREN BRINKMAN, an
 26 individual; JOSEPH BERARDI, an
 individual; and ROBERT LASKOWSKY,
 27 an individual,

28 Counter-Defendants.

CASE No. 3:09-cv-01816 BZ

**STIPULATION TO DISMISS CROSS-
 DEFENDANT ROBERT LASKOWSKI**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the undersigned parties
2 hereby stipulate and agree that cross-defendant Robert Laskowski (erroneously sued as Robert
3 Laskowsky) shall be dismissed from this matter without prejudice.

4 **WHEREAS:**

5 1. On October 20, 2010, the Court granted the Motion to Dismiss for Lack of
6 Personal Jurisdiction filed by Laskowski.

7 2. On May 24, 2011, cross-complainants Carey F. Daley II and Randall Lanham
8 (“Cross-Complainants”) filed their Third Amended Counter Claims And Third-Party Complaint
9 (“TACC”). The TACC alleges causes of action against Laskowski for fraud, conduct and
10 participation in a RICO enterprise through a pattern of racketeering activity, and conspiracy to
11 engage in a pattern of racketeering activity.

12 3. Cross-Complainants contend that it is necessary to allege claims against
13 Laskowski in the TACC in order to preserve their appeal of this Court’s ruling on Laskowski’s
14 Motion to Dismiss. Laskowski disagrees with cross-complainants and believes that it is
15 improper for the Cross-Complainants to allege claims against him without first obtaining leave
16 to amend the TACC from this Court.

17 4. Laskowski and Cross-Complainants wish to resolve their dispute that is outlined
18 in paragraph 3 above without prejudicing Cross-Complainants’ right to appeal this Court’s
19 ruling of October 20, 2010 dismissing Laskowski from this matter for lack of personal
20 jurisdiction.

21 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

22 1. Cross-Complainants agree to dismiss Laskowski from this matter without
23 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

24 2. Nothing in this stipulation shall affect the rights of Cross-Complainants to appeal
25 this Court’s ruling of October 20, 2010, in which it granted Laskowski’s Motion to Dismiss for
26 Lack of Personal Jurisdiction.

27 **IT IS SO STIPULATED.**

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Dated: July 14, 2011

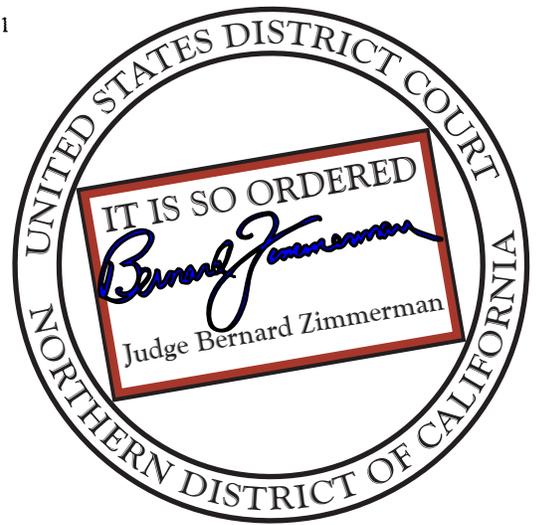
LONG & LEVIT LLP

By: *David Memon*
JOSEPH P. MCMONIGLE
JESSICA R. MACGREGOR
DAVID P. NEMECEK, JR.
Specially Appearing for Cross-Defendant
ROBERT LASKOWSKI (erroneously sued as
Robert Laskowsky)

Dated: July 14, 2011

By: *Christopher R. Miller*
CHRISTOPHER R. MILLER
Attorneys for Cross-Complainants CAREY F.
DALY II and RANDALL J. LANHAM

DOCS:594207.1



DATED: 7/15/2011