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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALEJANDRO JUAREZ, et al.,

Plaintiffs,

v.

JANI-KING OF CALIFORNIA, INC., a Texas  
Corporation, et al.,

Defendants.

Case No.: CV09-03495 SC

**STIPULATION AND ~~PROPOSED~~ ORDER  
FOR DISMISSAL OF ALL REMAINING  
CLAIMS**

JANI-KING OF CALIFORNIA, INC., a Texas  
Corporation,

Counterclaimant,

v.

ALEJANDRO JUAREZ and MARIA  
JUAREZ,

Counterclaim Defendants.

Complaint filed: June 22, 2009  
Counterclaim filed: November 22, 2010

1 The parties, through their undersigned attorneys of record, hereby stipulate under Fed. R.  
2 Civ. P. 41(a)(2) and (c) that all remaining claims and counterclaims of all remaining parties in this  
3 case are dismissed with prejudice and on the merits, with each side to bear its own costs and  
4 attorneys' fees.

5 The parties agree that this stipulation shall not affect the rights of Plaintiffs to appeal, once  
6 judgment is entered pursuant to this stipulation and order, the Court's prior dismissal, in the Court's  
7 January 23, 2012 Order, of Counts VIII through XIII of Plaintiffs' First Amended Complaint (Dkt.  
8 No. 32), and the rights of Plaintiffs to appeal the Court's March 4, 2012 Order denying class  
9 certification as to Counts VIII through XIII of Plaintiffs' First Amended Complaint or to seek class  
10 certification as to Counts VIII through XIII of Plaintiffs' First Amended Complaint in the event of  
11 the success of Plaintiffs' appeal. The parties also agree that this stipulation shall not affect the rights  
12 of Plaintiffs to seek any costs and attorneys' fees that are recoverable under the law related to  
13 prosecuting Counts VIII through XIII of Plaintiffs' First Amended Complaint should they ultimately  
14 prevail on the merits of any of those claims. The parties also agree that this stipulation shall not  
15 affect the rights of Defendants to defend on the merits any appeal or further proceedings in the  
16 district court in the event of a successful appeal.

17 Luis Romero accepted an offer of judgment on all of his claims. [Dkt. No. 148.] The parties  
18 disagree about the effect of Romero's acceptance of the offer of judgment on his rights, if any, to the  
19 appeals referenced above. The parties leave it to the normal operation of the law to determine  
20 whether Romero has such rights in light of the judgment that was entered on his claims. Nothing in  
21 this stipulation shall be interpreted to support a finding that Romero has or does not have such rights.

22 NOW, THEREFORE, the parties agree to entry of the proposed order submitted herewith.  
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DATED: November 15, 2012

Respectfully submitted,  
  
THE STURDEVANT LAW FIRM  
A Professional Corporation  
  
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By: s/ Monique Olivier  
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~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: November 28, 2012



The Honorable Samuel Conti  
UNITED STATES DISTRICT JUDGE