

1 Catherine W. Johnson, Bar No. 135070
 William C. Acevedo, Bar No. 194106
 2 **WENDEL, ROSEN, BLACK & DEAN LLP**
 1111 Broadway, 24th Floor
 3 Oakland, California 94607
 Telephone: (510) 834-6600
 4 Fax: (510) 834-1928
 Email: wacevedo@wendel.com
 5
 Attorneys for Plaintiff
 6 Golden Gate Way, LLC

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

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 12 Golden Gate Way, LLC, a California
 Limited Liability Company,
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 Plaintiff,
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 vs.
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 Jeanne Stewart, Jeanne’s Hamlin Cleaners,
 16 Hamlin Cleaners, Leonard A. Gross, Linda
 Capin Gross, Contractors Capital
 17 Corporation, Leonard A. Gross
 Professional Corporation, and DOES 1-10,
 18 inclusive
 19 Defendants.

Case No. C09-04458 JCS
**STIPULATION OF DISMISSAL
 WITHOUT PREJUDICE OF
 DEFENDANTS LINDA CAPIN GROSS
 AND CONTRACTORS CAPITAL
 CORPORATION; [PROPOSED] ORDER**

Wendel, Rosen, Black & Dean LLP
 1111 Broadway, 24th Floor
 Oakland, CA 94607

1 Plaintiff Golden Gate Way, LLC and Defendants Jeanne Stewart, Jeanne's Hamlin
2 Cleaners, Hamlin Cleaners, Leonard A. Gross, Linda Capin Gross, Contractors Capital
3 Corporation, Leonard A. Gross Professional Corporation, hereby stipulate, by and through their
4 respective counsel, as follows:

5 **STIPULATION**

6 WHEREAS Plaintiff filed its Complaint for Damages and Declaratory Relief on
7 September 22, 2009 (the "Complaint");

8 WHEREAS all of the named defendants, with the exception of Defendant Contractors
9 Capital Corporation, have answered the Complaint;

10 WHEREAS Defendant Linda Capin Gross has provided evidence, under the penalty of
11 perjury, purporting that she has no connection to the subject property of this action so as to render
12 her liable for the environmental contamination of said property as she allegedly neither owned
13 nor operated the property or any business located on said property at any time; and

14 WHEREAS Defendant Contractors Capital Corporation has provided sworn testimony
15 through its agent, Mr. Barry Gross, under the penalty of perjury, purporting that it has no
16 connection to the subject property of this action so as to render it liable for the environmental
17 contamination of said property as it allegedly neither owned nor operated the property or any
18 business located on said property at any time;

19 WHEREAS Defendants Linda Capin Gross and Contractors Capital Corporation have
20 requested dismissals without prejudice based upon the sworn testimony and/or declarations
21 provided by them;

22 It is hereby stipulated that:

23 1. The Parties shall request, and hereby does request, that the Court dismiss without
24 prejudice the above-captioned action and related counterclaims as to Defendants Linda Capin
25 Gross and Contractors Capital Corporation pursuant to Federal Rules of Civil Procedure Rule
26 41(a)(1). Defendants Linda Capin Gross and Contractors Capital Corporation are to bear their
27 own costs and attorney's fees.

28 2. Should evidence be developed during the course of the litigation of the above-

1 captioned action and related counterclaims that refutes the evidence of non-liability proffered by
2 Defendant Linda Capin Gross or Defendant Contractors Capital Corporation, respectively, said
3 parties may be brought back into this action, regardless of the stage of the proceedings of this
4 action.

5 **IT IS SO STIPULATED.**

6
7 Dated: April 2, 2010

WENDEL, ROSEN, BLACK & DEAN LLP

8
9 By: /s/ William C. Acevedo

10 William C. Acevedo
11 Attorneys for Plaintiff
Golden Gate Way, LLC, a California
limited liability company

12 Dated: April 2, 2010

VERNON LAW OFFICE

13
14 By: /s/ Cecelia Fusich

15 Cecelia Fusich
16 Attorneys for Defendants Jeanne Stewart,
Jeanne's Hamlin Cleaners, and Hamlin
Cleaners

17 Dated: April 2, 2010

MCINERNEY & DILLON, P.C.

18
19 By: /s/ Timothy F. Winchester

20 Timothy F. Winchester
21 Attorneys for Defendant
Linda Capin Gross

22 Dated: April 2, 2010

THE LLOYD LAW GROUP, P.C.

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24 By: /s/ Andrew Lloyd

25 Andrew Lloyd
26 Attorneys for Defendants Leonard A.
Gross; Leonard A. Gross, P.C.; and
Contractors Capital Corporation, a
California corporation

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ORDER

Upon good cause appearing therefore, IT IS HEREBY ORDERED THAT:

Defendants Linda Capin Gross and Contractors Capital Corporation are hereby dismissed without prejudice from this action in accordance with the stipulation of the parties.



Dated: April __, 2010

Susan Illston
United States District Court Judge

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607