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5 Attorney for Plaintiffs' IRMA RAMIREZ; and
 Plaintiffs DAREN HEATHERLY, each an individual;

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 IRMA RAMIREZ; and DAREN)
 HEATHERLY, each an individual;)
 10)
 11 Plaintiff,)
 12 v.)
 13 FOSTER FREEZE SANTA ROSA a.k.a.,)
 THOMAS J. PINKERTON; and)
 14 GERALDINE PINKERTON,)
 15)
 16 Defendants.)
 17)
 18 _____)

CASE NO. CV-09-5497-MMC
STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON

19 The parties, by and through their respective counsel, stipulate to dismissal of this
 20 action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
 21 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own
 22 costs and attorneys' fees. The parties further consent to and request that the Court retain
 23 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
 24 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
 25 settlement agreements).

26 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
 27 their designated counsel that the above-captioned action be and hereby is dismissed with
 28 prejudice

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

2 This stipulation may be executed in counterparts, all of which together shall constitute
3 one original document.

4
5 Dated: December 6, 2010

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

6
7 By: /S/ Thomas E. Frankovich
Thomas E. Frankovich
8 Attorney for Plaintiffs’ IRMA RAMIREZ; and
9 Plaintiffs DAREN HEATHERLY, each an
individual

10
11 Dated: _____, 2010

JAMES D. ALLEN
ATTORNEY AT LAW

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15 By:
James D. Allen
16 Attorneys for THOMAS J. PINKERTON; and
GERALDINE PINKERTON

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19 **ORDER**

20 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
21 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
22 the purpose of enforcing the parties’ Settlement Agreement and General Release should such
23 enforcement be necessary.

24
25 Dated: _____, 2010

26
27
Honorable Judge Maxine M. Chesney.
28 UNITED STATE DISTRICT JUDGE

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

2 This stipulation may be executed in counterparts, all of which together shall constitute
3 one original document.

4
5 Dated: _____, 2010

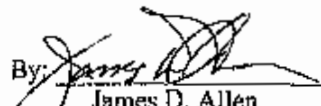
THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

6
7 By: _____

Thomas E. Frankovich
Attorney for Plaintiffs' IRMA RAMIREZ; and
Plaintiffs DAREN HEATHERLY, each an
individual

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9
10
11 Dated: Dec. 9, 2010

JAMES D. ALLEN
ATTORNEY AT LAW

12
13
14 By:  _____

James D. Allen
Attorneys for THOMAS J. PINKERTON; and
GERALDINE PINKERTON

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17
18
19 **ORDER**

20 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
21 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
22 the purpose of enforcing the parties' Settlement Agreement and General Release should such
23 enforcement be necessary.

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25 Dated: December 27, 2010

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27 
Honorable Judge Maxine M. Chesney.
UNITED STATE DISTRICT JUDGE