

1 RICHARD K. GROSBOLL, State Bar No. 99729
 2 EILEEN M. BISSEN, State Bar No. 245821
 3 NEYHART, ANDERSON, FLYNN & GROSBOLL
 4 44 Montgomery Street, Suite 2080
 5 San Francisco, CA 94104
 6 Tel. (415) 677-9440
 7 Fax (415) 677-9445
 8 Email: ebissen@neyhartlaw.com

9
 10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 ELECTRICAL INDUSTRY SERVICE
 13 BUREAU, INC.; *et al.*,

14 Plaintiffs,

15 v.

16 ALL AREA ELECTRIC &
 17 CONSTRUCTION COMPANY, a California
 18 corporation;

19 Defendant.

Case No. 09-CV-05940 JSW

**STIPULATION FOR CONTINGENT
 ORDER OF DISMISSAL &
 [PROPOSED] CONTINGENT ORDER
 OF DISMISSAL**

20
 21
 22
 23
 24
 25 NEYHART,
 26 ANDERSON,
 FLYNN &
 GROSBOLL
 ATTORNEYS AT LAW

27 STIPULATION FOR CONTINGENT ORDER OF DISMISSAL & [PROPOSED] CONTINGENT
 ORDER OF DISMISSAL

Case No. 09-CV-05940 JSW

The parties hereto stipulate as follows:

1. The parties have reached agreement to settle this case under the terms and conditions specified in the Settlement Agreement, attached hereto as Exhibit A.

2. The settlement involves payment of consideration in payments over time.

3. If the settlement payments are not made in a timely fashion or if the Settlement Agreement is otherwise breached, Plaintiffs can file a Stipulation for Entry of Judgment attached hereto as Exhibit B. The Court shall then Order the Entry of Judgment. Plaintiffs have agreed not to file the Stipulation for Entry of Judgment if the Settlement Agreement is complied with in full.

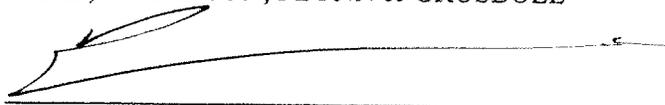
4. The parties agree that Plaintiffs may reopen the matter at any time prior to August 1, 2013, if Plaintiffs certify to the Court that the consideration has not been paid or other terms and conditions of the Settlement Agreement have not been complied with. At that time, Plaintiffs may file their Stipulation for Entry of Judgment.

IT IS SO STIPULATED.

Dated: 3/22/2011

Respectfully Submitted,

NEYHART, ANDERSON, FLYNN & GROSBOLL

By: 
EILEEN M. BISSEN
Attorney for Plaintiffs

NEYHART,
ANDERSON,
FLYNN &
GROSBOLL
ATTORNEYS AT LAW

Dated: 2/24/11

SIMPSON, GARRITY, INNES & JACUZZI PC

By: *Paul Simpson*

PAUL SIMPSON
Attorneys for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

NEYHART,
ANDERSON,
FLYNN &
GROSBOLL
ATTORNEYS AT LAW

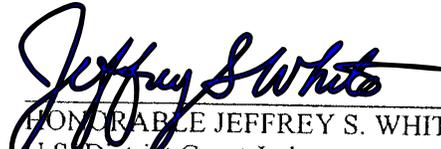
1 [PROPOSED] ORDER:

2 The parties hereto, having advised the Court that they have agreed to a settlement of this
3 action,

4 IT IS HEREBY ORDERED that this action is dismissed with prejudice, provided,
5 however, that if any party hereto shall certify to this Court, with proof of service of copy thereon
6 on the Defendant or its counsel, on or before August 1, 2013, that the agreed consideration for the
7 settlement has not been delivered over, the foregoing Order shall vacated by this Court and this
8 action shall forthwith be restored to the calendar. Plaintiffs may then file the Stipulation for Entry
9 of Judgment referred to in the above stipulation. Judgment will then be entered forthwith.

10 IT IS SO ORDERED.

11
12 Dated: March 23, 2011

13 
14 HONORABLE JEFFREY S. WHITE
15 U.S. District Court Judge

16
17
18
19
20
21
22
23
24
25 NEYHART,
26 ANDERSON,
27 FLYNN &
GROSBOLL
ATTORNEYS AT LAW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY U.S. FIRST-CLASS MAIL

I, the undersigned, declare:

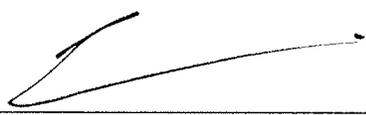
I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action; my business address is 369 Pine Street, Suite 800, San Francisco, California 94104. On March 22, 2011, I served the within:

STIPULATION FOR CONTINGENT ORDER OF DISMISSAL & [PROPOSED] CONTINENT ORDER OF DISMISSAL

on the parties in said cause following our business practice, with which I am readily familiar. On the same day that correspondence is placed for collection and delivery, it is deposited, in the ordinary course of business, with the U.S. Postal Service in a sealed envelope with postage thereon fully pre-paid. I placed a true copy of the within document enclosed in a sealed envelope with first class postage thereon fully prepaid for delivery on March 23, 2011, at San Francisco, California, addressed as follows:

Paul Simpson, Esq.
Sarah Lucas, Esq.
Simpson, Garrity, Innes & Jacuzzi PC
601 Gateway Blvd Ste 950
South San Francisco, CA 94080

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on March 22, 2011, at San Francisco, California.



Eileen Bissen

NEYHART,
ANDERSON,
FLYNN &
GROSBOLL
ATTORNEYS AT LAW