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5 CRAIG YATES, an individual

6  
 7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual, )  
 10 Plaintiff, )  
 11 v. )  
 12 )  
 13 MCDONALD’S #1462; MCDONALD’S of )  
 HAWAII DEVELOPMENT COMPANY, a )  
 14 Hawaii Limited Partnership, )  
 15 Defendants. )

**CASE NO. CV-10-0950-~~EDL~~ (TEH)**  
**STIPULATION OF DISMISSAL AND**  
**~~[PROPOSED]~~ ORDER THEREON**

16  
 17 The parties, by and through their respective counsel, stipulate to dismissal of this action in  
 18 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the  
 19 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own  
 20 costs and attorneys’ fees. The parties further consent to and request that the Court retain  
 21 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S.  
 22 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement  
 23 agreements).

24 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
 25 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice  
 26 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

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

3  
4 Dated: October 3, 2011

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

5  
6 By: /s/ Thomas E. Frankovich  
7 Thomas E. Frankovich  
8 Attorney for CRAIG YATES, an individual

9  
10 Dated: October 4, 2011

BURNHAM BROWN

11  
12 By: /s/ Brendan Brownfield  
13 Brendan Brownfield  
14 Attorneys for MCDONALD'S #1462;  
15 MCDONALD'S of HAWAII DEVELOPMENT  
16 COMPANY, a Hawaii Limited Partnership

17  
18 **ORDER**

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

23  
24 Dated: 10/4, 2011

