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8 Attorneys for Plaintiff  
9 CRAIG YATES, an individual;

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 CRAIG YATES, an individual, )  
13 Plaintiff, )  
14 v. )  
15 THAINA CAFÉ LLC, a California Limited )  
16 Liability Company; and STAR 94 LLC, a )  
17 California Limited Liability Company, )  
18 Defendants. )

19 CASE NO. CV-10-1411-MEJ

20 **STIPULATION OF DISMISSAL AND**  
**~~[PROPOSED]~~ ORDER THEREON**

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

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

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33 STIPULATION OF DISMISSAL AND ~~[PROPOSED]~~ ORDER THEREON CV-10-1411-MEJ

1 prejudice 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: **January 9, 2012**

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

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

10  
11 Dated: **January 9, 2012**

12 MASTROMONACO REAL PROPERTY LAW  
13 GROUP

14 By: /s/ Matthew K. Hindman  
15 Matthew K. Hindman  
16 Attorneys for STAR 94 LLC, a California Limited  
17 Liability Company

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.

24  
25 Dated: January 9,  2012

26  
27 Honorable Magistrate Judge Maria-Elena James  
28 UNITED STATES DISTRICT JUDGE