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5 Attorney for Plaintiff CRAIG YATES, an individual

6  
 7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9

10 CRAIG YATES, an individual; )  
 11 Plaintiff, )  
 12 )  
 13 v. )  
 14 CAFÉ GRATITUDE LLC, a California )  
 limited liability Company; and )  
 15 ROBERT A. IMHOFF )  
 16 ' )  
 Defendant. )  
 17 )

**CASE NO. CV-10-2015-MEJ**  
  
**STIPULATION OF DISMISSAL AND**  
**~~[PROPOSED]~~ ORDER THEREON**

18  
 19 The parties, by and through their respective counsel, stipulate to dismissal of this action in  
 20 its entirety with prejudice pursuant to Fed. R. Civ. P. 41(a)(2). 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 U.S.  
 24 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement  
 25 agreements).

26 ///  
 27 ///  
 28 ///

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
2 their designated counsel that the above-captioned action become and hereby is dismissed with  
3 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

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

6  
7 Dated: May 1, 2012

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

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

11  
12 Dated: May 1, 2012

Law Office of Jason G. Gong  
*A Professional Corporation*

13  
14 By: /s/ Jason G. Gong  
Jason G. Gong  
15 Attorney for Defendants CAFÉ GRATITUDE LLC,  
16 a California limited liability Company; and  
17 ROBERT A. IMHOFF

18  
19 **ORDER**

20 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.  
21 R. Civ. P. 41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the  
22 purpose of enforcing the parties' Settlement Agreement and General Release should such  
23 enforcement be necessary.

24  
25 Dated:    May 2   , 2012

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