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10 Attorneys for Plaintiff and Counter-Defendant  
 POGGIO LP

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 HOWARD  
 RICE  
 NEMEROVSKI  
 CANADY  
 FALK  
 & RABKIN  
 A Professional Corporation

15 POGGIO LP, a California limited partnership,  
 16  
 Plaintiff,  
 17  
 v.  
 18 CMSC Ventures, LLC, and Does One through  
 Ten,  
 19  
 Defendants.

No. C 10-02256-SC

STIPULATION TO DISMISS  
 COMPLAINT AND COUNTERCLAIM  
 WITHOUT PREJUDICE

21 CMSC Ventures, LLC, now known as CASA  
 MADRONA HOTEL AND SPA, LLC, a  
 22 California Limited Liability Company,  
 23  
 Counter-Claimant,  
 24  
 v.  
 25 POGGIO LP, a California limited partnership,  
 26  
 Counter-Defendant.

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1 IT IS HEREBY STIPULATED by and between all the parties appearing in this action,  
2 through their designated counsel, that the above-captioned action, including the Complaint  
3 and the Counterclaim, be and hereby are dismissed without prejudice pursuant to Federal  
4 Rule of Civil Procedure 41(a)(1)(A)(ii).

5  
6 DATED: August 16, 2010.

7 THOMAS F. HYDE  
Attorney at Law

8 MICHAEL J. BAKER  
9 HOWARD RICE NEMEROVSKI CANADY  
10 FALK & RABKIN  
A Professional Corporation

11 By:  /s/ Michael J. Baker   
MICHAEL J. BAKER

12 Attorneys for Plaintiff and Counter-Defendant  
13 POGGIO LP

14 DATED: August 16, 2010.

15 JEFFER, MANGELS, BUTLER & MARMARO LLP  
16 ROBERT E. MANGELS  
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19 By:  /s/ Robert E. Mangels   
20 ROBERT E. MANGELS

21 Attorneys for Defendant and Counter-Claimant  
22 CMSC VENTURES, LLC now known as CASA  
MADRONA HOTEL AND SPA, LLC

13 HOWARD  
14 RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
15 A Professional Corporation



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### ATTESTATION

In accordance with General Order No. 45, Section X(B), the filer of this document hereby attests that concurrence in the filing of this document has been obtained from each of the signatories listed above.

DATED: August 16, 2010.

HOWARD RICE NEMEROVSKI CANADY  
FALK & RABKIN  
A Professional Corporation

By:                     /s/ Michael J. Baker                      
MICHAEL J. BAKER

Attorneys for Plaintiff and Counter-Defendant  
POGGIO LP

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