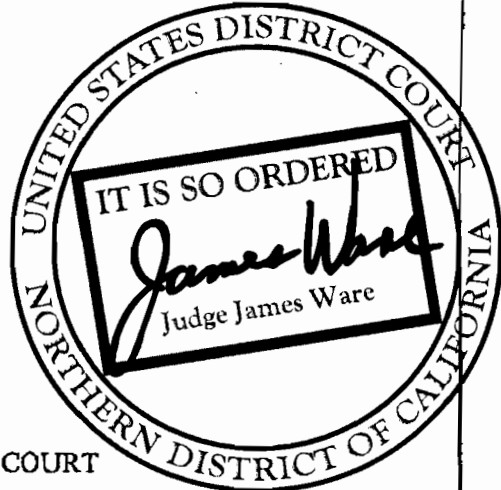


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 5 Attorneys for Plaintiff
 CRAIG YATES ;



7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual,
 10 Plaintiff,
 11 v.
 12 JUMBO SEAFOOD RESTAURANT, INC.,
 a California Corporation; and KIRK
 13 LEONG and MAY F. LEONG, Trustees of
 the TRUST OF KIRK AND MAY LEONG,
 14 dated December 16, 2006,
 15
 16 Defendants.

CASE NO. CV-10-2652-JCS JW
 STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER THEREON

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

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

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1). This request for dismissal does not
2 include the third party complaint.

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

5
6 Dated: September 8, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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


10 Dated: 9/8, 2011

BRIAN Y.K. CHING, ESQ.

11
12 By: 
13 Brian Y.K. Ching, Esq
14 Attorneys for JUMBO SEAFOOD RESTAURANT,
INC., a California Corporation

15 Dated: 9/8/, 2011

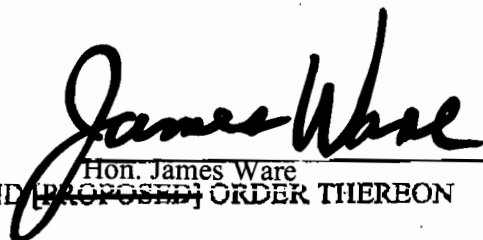
PHILLIPS SPALLAS & ANGSTSDT LLP

16
17 By: 
18 William R. Carlson
19 Attorneys for KIRK LEONG and MAY F. LEONG,
20 Trustees of the TRUST OF KIRK AND MAY
LEONG, dated December 16, 2006,

21 **ORDER**

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

26
27 Dated: September 14, 2011

28 
Hon. James Ware

STIPULATION OF DISMISSAL AND ~~PROPOSED~~ ORDER THEREON

CV-10-2652-JCS