

\*E-Filed 10/12/11\*

1 THOMAS E. FRANKOVICH (State Bar #074414)  
THOMAS E. FRANKOVICH  
2 *A PROFESSIONAL LAW CORPORATION*  
4328 Redwood Hwy, Suite 300  
3 San Rafael, CA 94903  
Telephone: 415/674-8600  
4 Facsimile: 415/674-9900

5 CRAIG YATES, an individual;

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

10 CRAIG YATES, an individual, )  
11 Plaintiff, )  
12 v. )  
13 MANGOSTEEN; WBCMT 2007-C31 )  
14 BUCHANAN STREET, LTD; and PHILIP )  
15 TRI NGUYEN, an individual dba )  
16 MANGOSTEEN, )  
17 Defendants. )  
18 \_\_\_\_\_ )

**CASE NO. CV-10-3747-RS**  
**STIPULATION OF DISMISSAL OF**  
**DEFENDANT WBCMT 2007-C31**  
**BUCHANAN STREET, LTD AND**  
**[PROPOSED] ORDER THEREON**

19  
20  
21 The parties, by and through their respective counsel, stipulate to dismissal of defendant  
22 WBCMT 2007-C31 BUCHANAN STREET, LTD., of this action with prejudice pursuant to  
23 Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release  
24 (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. Therefore, IT IS  
25 HEREBY STIPULATED by and between parties to this action through their designated counsel  
26 that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal  
27 Rules of Civil Procedure section 41(a)(1).  
28

///  
28

STIPULATION OF DISMISSAL OF **DEFENDANT WBCMT 2007-C31 BUCHANAN STREET, LTD** AND **[PROPOSED]** ORDER  
THEREON

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

3  
4 Dated: October 12, 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: \_\_\_\_\_, 2011

DUANE MORRIS LLP  
PHILIPPE A. TOUDIC

11  
12  
13  
14 By: \_\_\_\_\_  
15 Philippe A. Toudic  
16 Attorneys for WBCMT 2007-C31 BUCHANAN  
17 STREET, LTD

18 **ORDER**

19 IT IS HEREBY ORDERED that this matter is dismissed on as to defendant WBCMT  
20 2007-C31 BUCHANAN STREET, LTD with prejudice pursuant to Fed.R.Civ.P.41(a)(1).

21 Dated: 10/12 \_\_\_\_\_, 2011

22   
23 Honorable Judge Richard Seborg  
24 UNITED STATE DISTRICT JUDGE

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


3  
4 Dated: \_\_\_\_\_, 2011

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

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

9  
10 Dated: 10/11, 2011

DUANE MORRIS LLP  
PHILIPPE A. TOUDIC

11  
12  
13 By:   
14 Philippe A. Toudic  
15 Attorneys for WBCMT 2007-C31 BUCHANAN  
16 STREET, LTD  
17

18 ORDER

19 IT IS HEREBY ORDERED that this matter is dismissed on as to defendant WBCMT  
20 2007-C31 BUCHANAN STREET, LTD with prejudice pursuant to Fed R. Civ.P.41(a)(1).

21 Dated: \_\_\_\_\_, 2011

22  
23 Honorable Judge Richard Seeborg  
24 UNITED STATE DISTRICT JUDGE  
25  
26  
27  
28