

1 STEIN & LUBIN LLP
 Paul J. Niewiadomski (SBN 195094)
 2 Eugene Chang (SBN 209568)
 E-Mail: echang@steinlubin.com
 3 600 Montgomery Street, 14th Floor
 San Francisco, CA 94111
 4 Telephone: (415) 981-0550
 Facsimile: (415) 981-4343
 5

Attorneys for Plaintiff
 6 VERITAS-B MEZZ B10, LLC AS SUCCESSOR-
 IN-INTEREST TO DEUTSCHE BANK AG,
 7 CAYMAN ISLANDS BRANCH.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 VERITAS-B MEZZ B10, LLC,
 12 Plaintiff,

13 v.

14 FRANK E. LEMBI *et al.*,
 15 Defendants.

Case No. C 10-04018 RS

**STIPULATION AND [PROPOSED]
 ORDER REGARDING VOLUNTARY
 16 DISMISSAL WITH PREJUDICE**

Judge: Hon. Richard Seeborg
 Courtroom 3, 17th Floor

17
 18 **STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

19 In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff,
 20 Veritas-B Mezz B10, LLC as Successor-in-Interest to Deutsche Bank AG, Cayman Islands
 21 Branch, by and through its undersigned counsel, does hereby stipulate and agree to a voluntary
 22 dismissal with prejudice of this action against Defendants in the above-styled action. Each party
 23 agrees to bear their own attorneys' fees and costs.

24 Dated: October 3, 2012

STEIN & LUBIN LLP

25
 26 By: /s/ Eugene Chang

Eugene Chang
 Attorneys for Plaintiff Veritas-B Mezz B10, LLC

1 Dated: October 3, 2012

ZACKS & FREEDMAN, P.C.

2
3 By: /s/ Edward C. Singer Jr.

4 Edward C. Singer Jr.

5 Attorneys for Defendants

6 FRANK E. LEMBI, individually and as trustee of the
7 OLGA LEMBI RESIDUAL TRUST; BILLIE Z.

8 SALEVOURIS, individually and as trustee for THE
9 BILLIE SALEVOURIS TRUST DATED AUGUST 25,
10 1983 AS RESTATED ON APRIL 24, 2002; DAVID M.

11 RAYNAL, individually and as trustee for the DAVID M.
12 RAYNAL REVOCABLE TRUST DATED MAY 9,
13 2002; RALPH DAYAN, and RMSV EQUITIES, LLC

14 In accordance with the above Stipulation of Voluntary Dismissal With Prejudice

15 Pursuant to Rule 41(a),

16 **IT IS HEREBY ORDERED AS FOLLOWS:**

17 1. Plaintiff's complaint in the above-captioned action is DISMISSED in its
18 entirety, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;

19 2. This action is dismissed with prejudice; and

20 3. Each side shall bear its own attorneys' fees and costs, and all parties waive
21 any right to seek attorneys' fees or costs incurred in connection with the above-captioned action.

22 Dated: 10/3, 2012

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25 Honorable Richard Seeborg