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8 Attorney's for Plaintiff CRAIG YATES, an individual

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10 UNITED STATES DISTRICT COURT

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12 NORTHERN DISTRICT OF CALIFORNIA

13 CRAIG YATES, an individual, ) CASE NO. CV-10-4420-FDL **JSW**  
14 Plaintiff, )  
15 v. ) STIPULATION OF DISMISSAL AND  
16 MCDONALD'S VAN NESS STORE ) [PROPOSED] ORDER THEREON  
17 #4547; MCDONALD'S CORPORATION, a )  
18 Delaware Corporation; SYED ALI )  
19 HUSSAIN, an individual dba )  
20 MCDONALD'S of VAN NESS, )  
21 Defendants. )  
22 )  
23 )  
24 )  
25 )

*as modified*

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

26 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
27 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice  
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///  
STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

CASE NO. CV-10-4420-FDL

**JSW**

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

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

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5 Dated: December 12, 2011

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

6

7 Dated: December 12, 2011

By /s/ Thomas E. Frankovich  
Thomas E. Frankovich  
Attorney for CRAIG YATES, an individual

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BURNHAM BROWN

10 Dated: December 12, 2011

By: /s/ Brendan M. Brownfield  
Brendan M. Brownfield  
Attorneys for SYED ALI HUSAIN

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12

13 Dated: November \_\_\_\_\_, 2011

BURESH, KAPLAN, FELLER & CHANG

14

15 By: \_\_\_\_\_  
Ann S. Kaplan  
16 Attorneys for MCDONALD'S CORPORATION, a  
17 Delaware Corporation

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20 **ORDER**

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

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26 Dated: \_\_\_\_\_, 2011

27 Honorable Judge Elizabeth D. Laporte  
28 UNITED STATE DISTRICT JUDGE

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

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

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5 Dated: December 12, 2011

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

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7 Dated: December 12, 2011

By /s/ Thomas E. Frankovich  
Thomas E. Frankovich  
Attorney for CRAIG YATES, an individual

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BURNHAM BROWN

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By: /s/ Brendan M. Brownfield  
Brendan M. Brownfield  
Attorneys for SYED ALI HUSAIN

14

15 Dated: November 12, 2011

BURESH, KAPLAN, FELLER & CHANG

16

17

18

By: Ann S. Kaplan  
Ann S. Kaplan  
Attorneys for MCDONALD'S CORPORATION, a  
Delaware Corporation

19

20

ORDER

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

25

26 Dated: December 14, 2011

  
Honorable Judge ~~Jeffrey S. White~~  
UNITED STATES DISTRICT JUDGE

Jeffrey S. White

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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

CASE NO. CV-10-4420-EDL

