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5 Attorney's for Plaintiff CRAIG YATES, an individual

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual,

10 Plaintiff,

11 v.

12 MCDONALD'S VAN NESS STORE

13 #4547; MCDONALD'S CORPORATION, a

14 Delaware Corporation; SYED ALI

15 HUSSAIN, an individual dba

MCDONALD'S of VAN NESS,

16 Defendants.

CASE NO. CV-10-4420-~~FBL~~ **JSW**

STIPULATION OF DISMISSAL AND
[~~PROPOSED~~] ORDER THEREON

as modified

18
19 The parties, by and through their respective counsel, stipulate to dismissal of this action in
20 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
21 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own
22 costs and attorneys' fees. The parties further consent to and request that the Court retain
23 jurisdiction over enforcement of the Agreement. See Kokonon v. Guardian Life Ins. Co., 511 U.S.
24 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
25 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

28 ///

STIPULATION OF DISMISSAL AND [~~PROPOSED~~] ORDER THEREON

CASE NO. CV-10-4420-~~FBL~~

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.

4
5 Dated: December 12, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

6
7 By /s/ Thomas E. Frankovich
Thomas E. Frankovich
8 Attorney for CRAIG YATES, an individual
9

10 Dated: December 12, 2011

BURNHAM BROWN

11
12 By: /s/ Brendan M. Brownfield
Brendan M. Brownfield
13 Attorneys for SYED ALI HUSAIN
14

15 Dated: November _____, 2011

BURESH, KAPLAN, FELLER & CHANG

16
17 By: _____
Ann S. Kaplan
18 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: _____, 2011

27
28 ~~Honorable Judge Elizabeth D. Laporte~~
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.

5 Dated: December 12, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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

10 Dated: December 12, 2011

BURNHAM BROWN

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

14 Dec.
15 Dated: November 12, 2011

BURESH, KAPLAN, FELLER & CHANG

17 By: [Signature]
Ann S. Kaplan
Attorneys for MCDONALD'S CORPORATION, a
Delaware Corporation

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.~~

26 Dated: December 14, 2011

27 [Signature]
Honorable Judge ~~Jeffrey S. White~~
UNITED STATE DISTRICT JUDGE

Jeffrey S. White

28 STIPULATION OF DISMISSAL AND ~~(PROPOSED)~~ ORDER THEREON

CASE NO. CV-10-4420-EDL

JSW²