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5 Attorneys for Plaintiff CRAIG YATES, an individual

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

8 CRAIG YATES, an individual,)
 9 Plaintiff,)
 10 v.)
 11 NAPA VALLEY PETROLEUM, INC., a)
 12 California Corporation dba SALVADOR)
 13 EXXON, a.k.a., CHEVRON STN)
 14 00305940; and GELOW, INC., a California)
 Corporation,)
 15 Defendants)
 16 _____)

CASE NO. CV-10-4421-EMC

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 the above-captioned action be and hereby is dismissed with prejudice
 27 pursuant to Federal Rules of Civil Procedure section 41(a)(1).
 28

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

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

3
4 Dated: September 13, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

5
6 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
7 Attorney for CRAIG YATES, an individual

8
9 Dated: September 13, 2011

THE COSTA LAW FIRM

10
11
12 By: /S/ David MacMillan
13 David MacMillan
14 Attorneys for NAPA VALLEY PETROLEUM,
15 INC., a California Corporation dba SALVADOR
16 EXXON, a.k.a., CHEVRON STN 00305940; and
17 GELOW, INC., a California Corporation

18 **ORDER**

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

23
24 Dated: 9/14, 2011

