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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HERTZ EQUIPMENT RENTAL CORPORATION,

Plaintiff,

vs.

RAMON USEDA, FRED KICENSKI, and DOES 1 through 20,

Defendants.

Case No. CV-3:10-4953 WHA

STIPULATION OF DISMISSAL WITH PREJUDICE OF ALL CLAIMS AGAINST DEFENDANT FRED KICENSKI; ~~PROPOSED~~ ORDER

[F.R.C.P. 41(a)(1)]

Complaint Filed: November 2, 2010
Trial Date: None set

CASE NO. CV-10-4953 WHA

1 IT IS HEREBY STIPULATED by and between Plaintiff HERTZ EQUIPMENT RENTAL
2 CORPORATION (“HERC”) and Defendant FRED KICENSKI (“KICENSKI”), by and through their
3 counsel of record herein, that all claims in the above-captioned action against KICENSKI shall be
4 and hereby are dismissed with prejudice, with each party to bear its own costs and attorneys’ fees.

5 ~~HERC AND KICENSKI FURTHER STIPULATE that, pursuant to the Stipulated Permanent~~
6 ~~Injunction as to Defendant Fred Kicenski, and Order thereon, entered by the Court on November 30,~~
7 ~~2010, the Court shall retain jurisdiction over the enforcement of the terms of the Settlement~~
8 ~~Agreement between HERC and KICENSKI for a period of three years.~~

9 The court shall NOT maintain jurisdiction over the enforcement of the settlement between the parties.

10 DATED: December 6, 2010

NIXON PEABODY LLP

11
12 By: /s/ Charles M. Dyke

13 Charles M. Dyke
14 Attorney for Plaintiff
HERTZ EQUIPMENT RENTAL
CORPORATION

15 DATED: December 6, 2010

PARTON SELL RHOADES

17 By: /s/ James E. Sell

18 James E. Sell
19 Attorneys for Defendant
FRED KICENSKI

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21
22 Dated: December 7, 2010.

23 
24 Hon. William H. Alsup
25 United States District Judge
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