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5 Attorneys for Defendants and Cross-Complainants  
 HARSCH INVESTMENT REALTY LLC,  
 6 SERIES C; and JAMESTOWN HARSCH  
 ALAMEDA TOWNE CENTRE, LP  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 CAROLYN MARTIN,

12 Plaintiff,

13 vs.

14 KOHL'S DEPARTMENT STORES, INC.;  
 HARSCH INVESTMENT REALTY LLC,  
 15 SERIES C; JAMESTOWN HARSCH  
 ALAMEDA TOWNE CENTRE, LP, a  
 16 Delaware Limited Partnership; and DOES  
 1-25, inclusive,

17 Defendants.  
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19 AND RELATED CROSS-ACTION.  
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Case No. C-10-05195 JSW

**STIUPLATED REQUEST FOR  
 DISMISSAL WITH PREJUDICE OF  
 CROSS-COMPLAINT FILED BY  
 DEFENDANTS HARSCH INVESTMENT  
 REALTY LLC, SERIES C AND  
 JAMESTOWN HARSCH ALAMEDA  
 TOWNE CENTRE, LP;**

**[PROPOSED] ORDER GRANTING  
 DISMISSAL WITH PREJUDICE**

Complaint Filed: November 16, 2010

22 Defendant and Cross-Defendant Kohl's Department Stores, Inc. ("Kohl's"), and  
 23 Defendants and Cross-Complainants Harsch Investment Realty LLC, Series C ("Harsch"), and  
 24 Jamestown Harsch Alameda Towne Centre, LP ("Jamestown") (collectively "Defendants"),  
 25 stipulate and agree through their respective counsel, and hereby request the Court to dismiss the  
 26 cross-action filed by Harsch and Jamestown against Kohl's with prejudice pursuant to Federal  
 27 Rule of Civil Procedure 41(a)(2), with each party to bear its own costs, attorneys' fees, and other  
 28 expenses arising from or relating to the cross-complaint.

**STIPULATED REQUEST FOR DISMISSAL  
 WITH PREJUDICE -- C-10-05195 JSW**

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**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: October 30, 2012

FARELLA BRAUN + MARTEL LLP

I represent that concurrence in the filing of this document has been obtained from each of the other signatories which shall serve in lieu of their signatures on this document.

By: /s/ Adam C. Dawson  
Adam C. Dawson

Attorneys for Defendants and Cross-Complainants  
HARSCH INVESTMENT REALTY LLC,  
SERIES C, and JAMESTOWN HARSCH  
ALAMEDA TOWNE CENTRE, LP

Dated: October 30, 2012

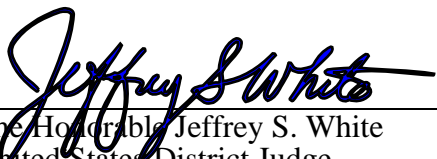
K&L GATES LLP

By: /s/ Timothy L. Pierce  
Timothy L. Pierce

Attorneys for Defendants and Cross-Defendants  
KOHL'S DEPARTMENT STORES, INC.

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

Dated: October 31, 2012

  
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The Honorable Jeffrey S. White  
United States District Judge