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 Stephan Jenkins, Third Eye Blind, Inc., 3EB  
 7 Touring, Inc. and Stephan Jenkins Productions, Inc.  
 8

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13 Attorneys for Defendant and Cross-Claimant  
 14 Hiscock & Barclay, LLP

15  
 16 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 17

18 STEPHAN JENKINS, an individual; THIRD  
 19 EYE BLIND, INC., a California corporation;  
 3EB TOURING, INC., a California  
 20 corporation; and STEPHAN JENKINS  
 PRODUCTIONS, INC., a California  
 21 corporation,

22 Plaintiffs,

23 vs.

24 THOMAS IRVING MANDELBAUM, an  
 individual; SELVERNE, MANDELBAUM &  
 25 MINTZ, LLP, a New York limited liability  
 partnership; HISCOCK & BARCLAY, LLP, a  
 26 New York limited liability partnership; and  
 DOES 1 through 500, inclusive,  
 27

28 Defendants.

Case No.: CV-11-0211 EMC

**STIPULATION RE: DISMISSAL WITH  
 PREJUDICE OF ENTIRE ACTION;**

**[PROPOSED] ORDER**

(E-filing)

Hon. Edward M. Chen, Presiding

1 HISCOCK & BARCLAY, LLP, a New York  
2 limited liability partnership,

3 Counter-Claimant,

4 vs.

5 STEPHAN JENKINS, an individual; THIRD  
6 EYE BLIND, INC., a California corporation;  
7 3EB TOURING, INC., a California  
8 corporation; and STEPHAN JENKINS  
9 PRODUCTIONS, INC., a California  
10 corporation,

11 Counter-Defendants.

12 IT IS HEREBY STIPULATED by and between all of the remaining parties to the above  
13 action, by and through their respective attorneys, that the action is hereby dismissed, in its  
14 entirety, with prejudice, each party to bear its own attorneys' fees and costs.

15 MURPHY, PEARSON, BRADLEY & FEENEY

16 Dated: September 4, 2013

17 By: /s/ \_\_\_\_\_

18 James Murphy  
19 Attorneys for Defendant and Cross-Claimant  
20 Hiscock & Barclay, LLP

21 IDELL & SEITEL LLP

22 Dated: September 4, 2013

23 By: /s/ \_\_\_\_\_

24 Richard Idell  
25 Ory Sandel  
26 Attorneys for Plaintiffs and Counter-Defendants  
27 Stephan Jenkins, Third Eye Blind, Inc., 3EB  
28 Touring, Inc. and Stephan Jenkins Productions, Inc.

1 **ATTESTATION OF CONCURRENCE**

2 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to  
3 General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from  
4 James Murphy, the above signatory.

5 IDELL & SEITEL LLP

6 Dated: September 4, 2013

By: /s/ \_\_\_\_\_

7 Richard Idell  
8 Ory Sandel  
9 Attorneys for Plaintiffs and Counter-Defendants  
10 Stephan Jenkins, Third Eye Blind, Inc., 3EB  
11 Touring, Inc. and Stephan Jenkins Productions, Inc.

12 **[PROPOSED] ORDER**

13  
14 PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED that this  
15 action is hereby dismissed, in its entirety, with prejudice, each party to bear its own attorneys'  
16 fees and costs.

17 9/9/13

18 Dated: \_\_\_\_\_



19 es District Court  
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**PROOF OF SERVICE**

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel LLP, 465 California Street, Suite 300, San Francisco, California 94104.

On September 4, 2013, I served the following document(s):

**STIPULATION RE: DISMISSAL WITH PREJUDICE OF ENTIRE ACTION;  
[PROPOSED] ORDER**

by regular **UNITED STATES MAIL** by placing a true and correct in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of the deposit for mailing stated in this affidavit.

JAMES A. MURPHY  
JOHN PAUL GIRARDE  
MURPHY, PEARSON, BRADLEY & FEENEY  
88 Kearney Street, 10<sup>th</sup> Floor  
San Francisco, California 94108-5530

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the office of an attorney qualified to practice in this court, and that I executed this declaration at San Francisco, California.

  
\_\_\_\_\_  
Kelly L. Montgomery