

1 THOMAS E. FRANKOVICH (State Bar #074414)
 THOMAS E. FRANKOVICH
 2 *A PROFESSIONAL LAW CORPORATION*
 4328 Redwood Hwy, Suite 300
 3 San Rafael, CA 94903
 Telephone: 415/674-8600
 4 Facsimile: 415/674-9900

5 Attorney For CRAIG YATES, an individual,

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9

10 CRAIG YATES, an individual,)
 11 Plaintiff,)
 12 v.)
 13 HOME PLATE CAFÉ; NICHOLAS W.)
 14 JOHNSON and TERRI PIPER-JOHNSON,)
 15 CO-TRUSTEES of the NICK JOHNSON)
 16 and TERRI PIPER-JOHNSON, 2005)
 17 TRUST, UAD OCTOBER 17, 2005;)
 18 REBECCA FISHER STORY and)
 WALLACE L. AMUNDSON, TRUSTEES)
 19 of the REBECCA C. FISHER TRUST)
 dated OCTOBER 17, 2005; MATTHEW)
 20 HOWELL; JAMES AGAPOFF JR.;)
 MARY PEGEEN CARDOZA, an)
 21 individual dba HOME PLATE CAFÉ and)
 OLIVER DYER-BENNETT,)
 22 Defendants.)
 23

CASE NO. CV-11-1371-EMC
STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON

24 The parties, by and through their respective counsel, stipulate to dismissal of this action
 25 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the
 26 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
 27 costs and attorneys’ fees.
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1 The parties further consent to and request that the Court retain jurisdiction over enforcement of
2 the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the
3 district courts to retain jurisdiction over enforcement of settlement agreements).

4 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
5 their designated counsel that the above-captioned action become and hereby is dismissed with
6 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

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

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11 Dated: August 23, 2012

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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13
14 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
15 Attorney for DAREN HEATHERLY and IRMA
RAMIREZ, each an individual
16
17

18 Dated: August 23, 2012

VAUGHAN & ASSOCIATES

19
20
21 By: /s/ Cris C. Vaughan
Cris C. Vaughan
22 Attorney for Defendants NICHOLAS W.
JOHNSON and TERRI PIPER-JOHNSON, CO-
23 TRUSTEES of the NICK JOHNSON and TERRI
PIPER-JOHNSON, 2005 TRUST, UAD
24 OCTOBER 17, 2005; REBECCA FISHER STORY
and WALLACE L. AMUNDSON, TRUSTEES of
25 the REBECCA C. FISHER TRUST dated
OCTOBER 17, 2005; MATTHEW HOWELL;
26 JAMES AGAPOFF JR.
27
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1 Dated: August 23, 2012

Provencher & Flatt LLP

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3 By: /s/ Gail F. Flatt

4 Gail F. Flatt

5 Attorney for Defendants MARY PEGEEN
6 CARDOZA, an individual dba HOME PLATE
7 CAFÉ and OLIVER DYER-BENNETT,

8
9 **ORDER**

10 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
11 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
12 purpose of enforcing the parties' Settlement Agreement and General Release should such
13 enforcement be necessary

14 Dated: 8/28, 2012

