

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 Attorneys for Plaintiff  
 CRAIG YATES

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9

11 CRAIG YATES, an individual, )  
 12 )  
 Plaintiff, )  
 13 )  
 v. )  
 14 )  
 15 MARTIN BROTHERS SUPPLY, INC., a )  
 California Corporation; and MARTINS )  
 16 LANDING LLC, a California Limited )  
 Liability Company, )  
 17 )  
 18 Defendants. )  
 19 )

CASE NO. CV-11-1947-EMC  
  
 STIPULATION OF DISMISSAL AND  
 [PROPOSED] ORDER THEREON

20  
 21  
 22 The parties, by and through their respective counsel, stipulate to dismissal of this action  
 23 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the  
 24 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own  
 25 costs and attorneys’ fees. The parties further consent to and request that the Court retain  
 26 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511  
 27 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of  
 28 settlement agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
2 their designated counsel that the above-captioned action be and hereby is dismissed with  
3 prejudice  
4 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

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

8 Dated: March 6, 2012

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

10 By: /s/ Thomas E. Frankovich  
11 Thomas E. Frankovich  
12 Attorney for CRAIG YATES, an individual

13 Dated: 3/5, 2012

JEFFER MANGELS BUTLER & MITCHELL LLP

15 By: Martin H. Orlick  
16 Martin H. Orlick  
17 Attorney for Defendants, MARTIN BROTHERS  
18 SUPPLY, INC., a California Corporation; and  
19 MARTINS LANDING LLC, a California Limited  
20 Liability Company

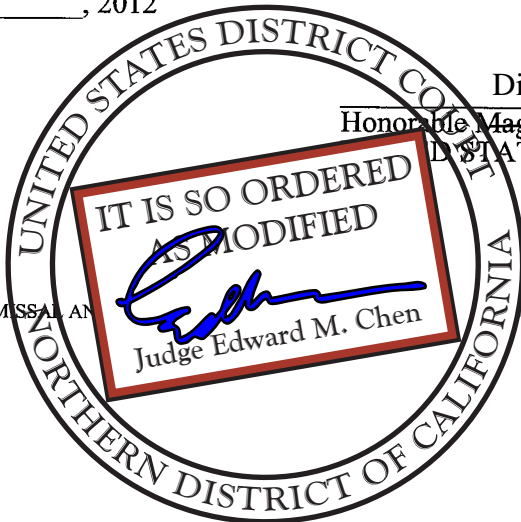
**ORDER**

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

24 Dated: 3/6, 2012

District

Honorable Magistrate Judge Edward M. Chen  
DISTRICT JUDGE



STIPULATION OF DISMISSAL AND

CASE NO. CV-11-1947-EMC