

AKAY SULL LLP
DOUGLAS N. AKAY, STATE BAR #131011
HARJIT K. SULL, STATE BAR #238458
 333 Bush Street, Suite 2250
 San Francisco, California 94104
 (415) 764-1999 (telephone)
 (415) 764-1994 (facsimile)
 dnakay@akaylaw.com

 Attorneys for
 GARMAN GROUP, LLC and RYAN GARMAN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

GARMAN GROUP, LLC, a Nevada limited
 liability company, and RYAN GARMAN, an
 individual,

Plaintiff,

v.

UNIVERSITY PIPELINE, INC., a Delaware
 corporation, TOM UNGER, an individual, and
 DOES I through X, inclusive, and ROE entities
 I through X, inclusive,

Defendants.

No.11-CV-03733-JCS

STIPULATION AND ~~PROPOSED~~
ORDER RE: PLAINTIFFS' MOTION TO
DISMISS WITHOUT PREJUDICE
PURSUANT TO RULE 41(a)

Pursuant to Northern District Local Rule 7-12, Plaintiffs Garman Group, LLC and Ryan
 Graman ("Plaintiffs"), and Defendant Tom Unger ("Defendant"), through their respective counsel,
 respectfully submit this Stipulation and Proposed Order on Plaintiff's Motion to Dismiss Without
 Prejudice.

RECITALS

1. Plaintiffs filed the Complaint on December 10, 2010, in the District Court of
 Nevada, against University Pipeline, Inc., and Tom Unger for breach of contract, breach of
 covenants of good faith and fair dealing, tortious breach of covenant of good faith and fair dealing,
 breach of fiduciary, fraud, and unjust enrichment.

AKAY SULL LLP
 333 BUSH STREET, SUITE 2250
 SAN FRANCISCO, CALIFORNIA 94104
 TELEPHONE: (415) 764-1999

2. On February 2, 2011, Defendant Unger filed a Notice of Removal of Action, under 28 USC §§1332, 1441, 1446, from Nevada District Court to the United States District Court for Nevada.

3. On February 9, 2011, Defendant Unger filed a Motion to Dismiss for Lack of Personal Jurisdiction, or in the Alternative, Transfer Venue, which the Court granted in part on July 22, 2011, and issued an order transferring venue to the Northern District of California.

4. On January 26, 2012, Plaintiffs filed a Motion to Dismiss Without Prejudice pursuant to Rule 41(a), to dismiss the action against Defendant Unger. Concurrently, Plaintiffs filed a Notice of Voluntary Dismissal Without Prejudice as to University Pipeline, Inc.

5. On March 30, 2012, the Court conditionally granted the Motion to Dismiss Without Prejudice, subject to payment of reasonable attorneys fees incurred by Defendant Unger in connection with the Motion to Transfer Venue only.

6. On April 6, 2012, Defendant's counsel filed a declaration requesting attorneys fees in the amount of \$14,339.20, for the amount claimed Defendant Unger incurred in connection with the Motion to Transfer Venue only.

7. On April 20, 2012, Plaintiffs' counsel filed a declaration seeking to tax portions of the attorneys fees claimed to have been incurred by Defendant Unger, to wit, Plaintiffs requested the Court reduce Defendant's attorneys fees to an amount no greater than \$10,813.

STIPULATION

Based on the foregoing Recitals, and subject to this Court's approval, Plaintiffs and Defendant agree and stipulate as follows:

1. For purposes of granting the Motion to Dismiss without Prejudice, subject to payment of reasonable attorneys fees incurred by Defendant in filing the Motion to Transfer Venue only, the parties stipulate the reasonable attorneys fees incurred by Defendant Unger is \$11,250.

2. The attorneys fees of \$11,250 shall be paid within ten (10) days of the date of entry of this Order in a check made payable to "Futterman Dupree Dodd Croley Maier LLP".

3. The instant action shall be dismissed without prejudice upon delivery of said

attorneys fees to Defendant's counsel, Daniel A. Croley, at Futterman Dupree Dodd Croley Maier
LLP at 180 Sansome Street, 17th Floor, San Francisco, CA 94104

IT SO STIPULATED.

Dated: April 24, 2012

FUTTERMAN DUPREE DODD CROLEY MAIER
LLP

By: /s/ Daniel A. Croley
DANIEL A. CROLEY
Attorneys for Defendant,
Tom Unger

Dated: April 24, 2012

AKAY SULL LLP

By: /s/ Douglas N. Akay
DOUGLAS N. AKAY
Attorneys for Plaintiffs,
Garman Group, LLC and Ryan Garman

ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED THAT:

1. Within ten (10) days of entry of this Order, Plaintiffs Garman Group, LLC and
Ryan Garman, deliver \$11,250 for attorney's fees to Defendant Tom Unger's counsel, Daniel A.
Croley at the law offices of Futterman Dupree Dodd Croley Maier LLP.

2. If not advised otherwise by Defendant Unger's counsel that payment has not been
received, after the passage of twenty (20) days of the entry of this Order, the Court shall dismiss
the instant action without prejudice.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 25, 2012

By: Judge Joseph C. Spero
Hon. Jose
United States Magistrate Judge

