	Case3:11-cv-04096-EDL Document	t24 Filed08/17/12 Page1 of 3	
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5	Attorneys for Plaintiff		
6	CB2 Builders Incorporated		
7			
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	CB2 BUILDERS INCORPORATED,	Case No. CV 11-4096 EDL	
12	Plaintiff,	STIPULATION AND [ <b>PROPOSED</b> ] ORDER FOR DISMISSAL	
13	VS.	FOR DISMISSAL	
14	ABF FREIGHT SYSTEM, INC. and DOES 1 through 25, inclusive,		
15	DOLS I unough 25, metusive,		
16	Defendants.		
17			
18	This Stipulation and Order For Dismissal is entered into between Plaintiff, CB2 Builders		
19	Incorporated ("Plaintiff"), and Defendant, ABF Freight System, Inc. ("Defendant"), by and		
20	through their respective counsel, as follows:		
21	RECITALS		
22	1. On July 13, 2011, Plaintiff filed its complaint against Defendant in the Superior		
23	Court of the State of California, County of San Francisco.		
24	2. On August 24, 2011, Defendant removed this action to this Court based on federal		
25	question jurisdiction pursuant to Defendant's Notice of Removal.		
26	3. On December 30, 2011, Plaintiff filed a First Amended Complaint for violation of		
27	the Carmack Amendment, 49 U.S.C. § 14706, et seq.		
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ATTORNEYS AT LAW	STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL (Case No. CV 11-4096 EDL)		

1	4. On or about July 23	, 2012, Plaintiff and Defendant entered into a Full Mutual	
2	Release of Claims whereby Plaintiff and Defendant agreed to resolve their respective claims in		
3	this action upon certain terms and	d conditions, including but not limited to, payment from	
4	Defendant to Plaintiff in return for	a dismissal of this action with prejudice, each party to bear	
5	their own attorneys' fees and costs.		
6		<b>STIPULATION</b>	
7	Based on the foregoing rec	itals, Plaintiff, CB2 Builders Incorporated, and Defendant,	
8	ABF Freight System, Inc., by and through their respective counsel, hereby stipulate to dismiss the		
9	above-entitled action with prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure,		
10	with each party to bear its own attorn	neys' fees and costs.	
11			
12		BUCHMAN PROVINE BROTHERS SMITH LLP	
13			
14	Date: August 17, 2012	By: /S/Connor M. Day	
15	Date. August 17, 2012	Connor M. Day	
16		Attorneys for Plaintiff CB2 Builders Incorporated	
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21	Date: August 17, 2012	By: /S/James Attridge	
22		JAMES ATTRIDGE Attorneys for Defendant ABF Freight	
23		System, Inc.	
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28	(0127.002/072/07.1		
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	Case3:11-cv-04096-EDL Document24 Filed08/17/12 Page3 of 3
1	ORDER
2	Pursuant to the above Stipulation, IT IS HEREBY ORDERED that the above-entitled
3	action is dismissed, with prejudice, with each party to bear their own attorneys' fees and costs.
4	
5	Dated: <u>August 20</u> , 2012 By: <u>Lipsh D. Lepott</u> Judge Elizabeth D. Laporte
6	Judge Elizabeth D. Laporte
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SHAPIRO BUCHMAN PROVINE BROTHERS	60137.002/273627.1 -3-
SMITH LLP Attorneys At Law	STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL (Case No. CV 11-4096 EDL)