THOMAS E. FRANKOVICH (State Bar #074414) THOMAS E. FRANKOVICH A PROFESSIONAL LAW CORPORATION 4328 Redwood Hwy, Suite 300 San Rafael, CA 94903 3 Telephone: 415/674-8600 Facsimile: 415/674-9900 4 5 Attorney For Plaintiffs, DAREN HEATHERLY and IRMA RAMIREZ, each an individual, 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA 10 DAREN HEATHERLY and IRMA **CASE NO. CV-11-4967-MEJ** 11 RAMIREZ, STIPULATION OF DISMISSAL AND 12 Plaintiffs, **PROPOSED** ORDER THEREON 13 v. 14 15 24th STREET CHEESE COMPANY; TI CHING KUNG, trustee of the TI CHING 16 KUNG LIVING, dated March 6, 1994; and CHARLES KUNG, an individual dba 24th 17 STREET CHEESE COMPANY, 18 Defendants. 19 20 21 The parties, by and through their respective counsel, stipulate to dismissal of this action 22 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the 23 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own 24 costs and attorneys' fees. The parties further consent to and request that the Court retain 25 jurisdiction over enforcement of the Agreement. See Kokonen v. Guardian Life Ins. Co., 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of 26 27 settlement agreements). 28 STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON CASE NO. CV-11-4967-MEJ

1	Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2	their designated counsel that the above-captioned action become and hereby is dismissed with
3	prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).
4	This stipulation may be executed in counterparts, all of which together shall constitute
5	one original document.
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7	Dated: May 10, 2012 THOMAS E. FRANKOVICH A PROFESSIONAL LAW CORPORATION
8 9 10	By: <u>/s/ Thomas E. Frankovich</u> Thomas E. Frankovich Attorney for DAREN HEATHERLY and IRMA
11	RAMIREZ, each an individual
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13	Dated: June 1, 2012 RAGUNATH K. DINDIAL, Attorney at Law
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15	By: <u>/s/ Ragunath K. Dindial</u> Ragunath K. Dindial
16	Attorney for TI CHING KUNG, trustee of the TI
17 18	CHING KUNG LIVING, dated March 6, 1994; and CHARLES KUNG, an individual dba 24 th STREET CHEESE COMPANY,
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20	<u>ORDER</u>
21	IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
22	Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
23	purpose of enforcing the parties' Settlement Agreement and General Release should such
24	enforcement be necessary
25	Dated:July 24,, 2012
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28	Honorable Magistrate Judge Maria-Elena James UNITED STATE DISTRICT JUDGE