

THOMAS N. STEWART, III - #88128  
ATTORNEY AT LAW  
369 BLUE OAK LANE, 2<sup>nd</sup> FLOOR  
CLAYTON, CA 94517  
TELEPHONE (925) 672-8452  
TELEFAX (925) 673-1729  
E-MAIL t\_stew\_3@yahoo.com  
Attorneys for David Johnson

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID JOHNSON,

Case No. CV 12-1458 JSC

Plaintiff,

STIPULATION OF DISMISSAL OF THE  
COMPLAINT; ORDER

v.

SUNHILL ENTERPRISES, LP,

Defendant.

\_\_\_\_\_ /

and Impleader Action

\_\_\_\_\_ /

The Plaintiff and Defendant hereto stipulate as follows:

The Plaintiff and Defendant have reached a full and final settlement of all issues between them in this action. A Settlement Agreement between the Plaintiff and Defendant has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The Plaintiff and Defendant shall comply with their Settlement Agreement, a copy of which is incorporated by reference as if fully set forth. The Plaintiff and Defendant request the Court to retain

jurisdiction over them for 18 months from the date hereof in order to enforce the terms of the Settlement Agreement between them under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the Plaintiff and Defendant are hereby dismissing the Action between them with prejudice, they agree that the Court will retain jurisdiction over the Action between them and the Plaintiff and Defendant in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the Plaintiff and Defendant through their designated counsel that the Complaint be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction over Plaintiff and Defendant to enforce the terms of the Settlement Agreement between them for 18 months after the date hereof.

This Action continues as to the Impleader between Sunhill Enterprises, L.P. and Joanna Chau.

Date: January 8, 2013

S/Rebecca Coll,  
Attorney for Defendant

Date: January 8, 2013

S/Thomas N. Stewart, III,  
Attorney for Plaintiff

IT IS SO ORDERED:

Date: January 9, 2013

