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13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 AUTOMOTIVE INDUSTRIES PENSION
 16 TRUST FUND, JAMES H. BENO, Trustee,
 17 BILL BRUNELLI, Trustee, STEPHEN J.
 18 MACK, Trustee, CHRIS CHRISTOPHERSEN,
 19 Trustee, DON CROSATTO, Trustee, MARK
 20 HOLLIBUSH, Trustee, JON ROSELLE,
 21 Trustee, DOUGLAS CORNFORD, Trustee,
 22 and JAMES V. CANTERBURY, Trustee,
 23 Plaintiffs,
 24 v.
 25 BARBER AUTO SALES, INC., a California
 26 corporation et al.,
 27 Defendants.

Case No.: CV 12-02676 SI

**STIPULATION FOR CONDITIONAL
 VOLUNTARY DISMISSAL WITH
 PREJUDICE; ~~[PROPOSED]~~ ORDER
 THEREON
 [F.R.C.P. Rule 41(a)(1)(A)(ii)]**

STIPULATION

28 IT IS HEREBY STIPULATED by the parties to this action, through their respective
 counsel, that pursuant to the parties’ Settlement Agreement, this Court dismiss this action with
 prejudice, with all parties to bear their own costs and attorneys’ fees, and retain jurisdiction over
 this matter to enforce the Settlement Agreement should any action be required to enforce the
 Settlement Agreement after the dismissal is entered by the Court; however, in the event that any
 party hereto certifies to this Court, with proof of service of a copy thereon on opposing counsel,
 within one hundred twenty (120) days from the date of entry of the Court’s order, that settlement

1 has not in fact occurred, the dismissal shall be vacated and this cause shall forthwith be restored to
2 the calendar for further proceedings.

3 IT IS SO STIPULATED.

4 Dated: August 8, 2013

SALTZMAN & JOHNSON LAW CORPORATION

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By: /s/ Kimberly A. Hancock
KIMBERLY A. HANCOCK
Attorneys for Plaintiffs

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9 I, Kimberly A. Hancock, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
10 concurrence to the filing of this document has been obtained from each signatory hereto.

11 Dated: August 8, 2013

TONKON TORP LLP

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By: /s/ Ryan M. Bledsoe
RYAN M. BLEDSOE
Attorneys for Defendants

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15 Dated: August 8, 2013

TRUCKER HUSS

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By: /s/ Robert F. Schwartz
ROBERT F. SCHWARTZ
Attorneys for Defendants

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ORDER

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Pursuant to the parties' Stipulation and Settlement Agreement and good cause appearing:

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IT IS HEREBY ORDERED that this matter is dismissed with prejudice, the parties to

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bear their own costs and attorneys' fees.

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IT IS FURTHER ORDERED that this Court shall expressly retain jurisdiction over this

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matter to enforce the Settlement Agreement should any action be required to enforce the

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Settlement Agreement after the dismissal with prejudice is entered by the Court. See generally

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Kokkonen v. Guardian Life Ins. Co. of America, 511 US 357, 381 (1994); *Hagestad v. Tragesser*,

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49 F.3rd 1430, 1432 (9th Cir. 1995).

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1 However, in the event that any party hereto certifies to this court, with proof of service of a
2 copy thereon on opposing counsel, within one hundred twenty (120) days from the date of entry of
3 this Order, that settlement has not in fact occurred, the dismissal shall be vacated and this cause
4 shall forthwith be restored to the calendar for further proceedings.

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IT IS SO ORDERED.

Dated: 8/8/13



SUSAN ILLSTON
JUDGE, UNITED STATES DISTRICT COURT