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6 Attorney for Plaintiff CRAIG YATES

7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF CALIFORNIA  
 9

10 CRAIG YATES, )  
 11 Plaintiff, )  
 12 v. )  
 13 100 % SWEET CAFÉ; JAMES MO-TAI )  
 14 CHAN and WENDY WAN-LI CHEN, )  
 TRUSTEES OF THE CHAN/CHEN )  
 15 FAMILY TRUST, U.D.T.; and DENISE O. )  
 16 W. LU, an individual d.b.a. 100% SWEET )  
 CAFÉ, )  
 17 Defendants. )  
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**CASE NO. CV-12-5993-EMC**  
  
**STIPULATION OF DISMISSAL AND**  
**[PROPOSED] ORDER THEREON**

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 20  
 21 The parties, by and through their respective counsel, stipulate to dismissal of this action in  
 22 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.  
 26 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement  
 27 agreements).

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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 one  
5 original document.

6  
7 Dated: July 26, 2013

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

8  
9 By: /s/ Thomas E. Frankovich  
10 Thomas E. Frankovich  
Attorneys for CRAIG YATES

11 Dated: July 28, 2013

LAW OFFICES OF JEFFREY A. CHEN

12  
13 By: /s/ Jeffery A. Chen  
14 Jeffrey A. Chen  
15 Attorney for Defendants JAMES MO-TAI CHAN  
16 and WENDY WAN-LI CHEN, TRUSTEES OF  
17 THE CHAN/CHEN FAMILY TRUST, U.D.T.; and  
18 DENISE O. W. LU, an individual d.b.a. 100%  
19 SWEET CAFÉ,

20 **ORDER**

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: 7/30, 2013

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27 \_\_\_\_\_  
28 Honorable Magistrate Edward M. Chen  
UNITED STATES DISTRICT COURT

