

1 Clifford S. Davidson, SBN 246119  
 2 cdavidson@sussmanshank.com  
 3 SUSSMAN SHANK LLP  
 4 1000 SW Broadway, Suite 1400  
 5 Portland, OR 97205-3089  
 6 Telephone: (503) 227-1111  
 7 Facsimile: (503) 248-0130  
 8 Attorneys for Plaintiffs  
 9 Brent Schafer and Todd Construction, Inc.

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11 BRENT SCHAFER and TODD  
 12 CONSTRUCTION, INC., an Oregon  
 13 corporation,

14 Plaintiffs,

15 v.

16 ASSOCIATION FOR SMALL,  
 17 CLOSELY HELD BUSINESSES, a  
 18 Delaware corporation; CRONIN  
 19 INSURANCE SERVICES, INC., a  
 20 California corporation; ELLEN A.  
 21 CRONIN, in her capacity as Executor of  
 22 the ESTATE OF LAWRENCE D.  
 23 CRONIN; and KENNETH FEHL,

24 Defendants.

Case No. C 13-00659 WHA

**JOINT STIPULATION TO DISMISS  
 DEFENDANT ELLEN A. CRONIN  
 WITHOUT PREJUDICE**

CMC: May 30, 2013

22 WHEREAS, on March 11, 2013, Plaintiffs filed the First Amended Complaint in which  
 23 Plaintiffs alleged, among other things, that Ellen A. Cronin, in her capacity as Executor of the  
 24 Estate of Lawrence D. Cronin (“Ms. Cronin”), was liable to Plaintiffs for conversion;

25 WHEREAS, on May 22, 2013, after meeting and conferring with counsel for Ms. Cronin,  
 26 Plaintiffs were first informed that Ms. Cronin is not the executor of Mr. Cronin’s estate, that  
 27 there are no appreciable assets subject to probate, and that the Internal Revenue Service has  
 28 assessed a priority lien against Mr. Cronin’s estate in excess of \$4.3 million;

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WHEREAS, Plaintiffs and Ms. Cronin wish to avoid unnecessary motion;

WHEREAS, Ms. Cronin has not filed an answer or a motion for summary judgment;

WHEREAS, Plaintiffs and Ms. Cronin stipulate and agree that, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Ms. Cronin will be dismissed from this action without prejudice;

THEREFORE, Plaintiffs and Ms. Cronin hereby stipulate, through their counsel of record, that Ellen A. Cronin, named in her capacity as Executor of the Estate of Lawrence A. Cronin, is dismissed from this action without prejudice.

SUSSMAN SHANK LLP

By  /S/ \_\_\_\_\_  
Clifford S. Davidson

Attorneys for Plaintiffs Brent Schafer and Todd Construction, Inc

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.


CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN P.C.

By  /S/ \_\_\_\_\_  
Mark D. Hudak

Attorneys for Defendant  
Ellen A. Cronin, as Executor of the Estate of Lawrence D. Cronin

PURSUANT TO STIPULATION, IT IS SO ORDERED.

May 29, 2013.  
Date

  
\_\_\_\_\_  
Judge William Alsup  
United States District Judge