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 9 Brent Schafer and Todd Construction, Inc.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 BRENT SCHAFFER and TODD
 14 CONSTRUCTION, INC., an Oregon
 15 corporation,

16 Plaintiffs,

17 v.

18 ASSOCIATION FOR SMALL,
 19 CLOSELY HELD BUSINESSES, a
 20 Delaware corporation; CRONIN
 21 INSURANCE SERVICES, INC., a
 22 California corporation; and KENNETH
 23 FEHL,

24 Defendants.

Case No. C 13-00659 WHA

**JOINT STIPULATION TO DISMISS
 DEFENDANT KENNETH FEHL WITHOUT
 PREJUDICE**

25 WHEREAS, on March 11, 2013, Plaintiffs filed the First Amended Complaint in which
 26 Plaintiffs alleged, among other things, that Kenneth Fehl, was liable to Plaintiffs for negligence;

27 WHEREAS, on May 29, 2013, Mr. Fehl filed a motion to dismiss;

28 WHEREAS, Plaintiffs and Mr. Fehl wish to avoid further briefing on the issue;

WHEREAS, Mr. Fehl HAS not filed an answer or a motion for summary judgment;

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

WHEREAS, through this stipulation, Plaintiffs do not concede any point Mr. Fehl raised

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in his motion to dismiss;

THEREFORE, Plaintiffs and Mr. Fehl hereby stipulate, through their counsel of record, that Kenneth Fehl is dismissed from this action without prejudice.

SUSSMAN SHANK LLP

By /S/ _____
Clifford S. Davidson

Attorneys for Plaintiffs Brent Schafer and Todd Construction, Inc

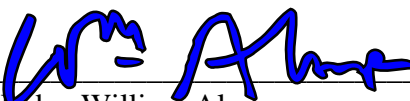
I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

By /S/ _____
Kenneth Fehl, Esq.

Defendant, *pro se*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

June 11, 2013.
Date



Judge William Alsup
United States District Judge