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5 Attorneys for Plaintiff,  
 6 DG Berry, Inc.

7  
 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

|   |   |
|---|---|
| 10 DG BERRY, INC., a California )<br>Corporation, )<br>11 )<br>Plaintiff, )<br>12 )<br>v. )<br>13 )<br>DRISCOLL STRAWBERRY )<br>14 ASSOCIATES, INC., a California )<br>Corporation, )<br>15 )<br>Defendant. )<br>16 ) | <b>CASE NO. 3:13-cv-01236</b><br><br><b>STIPULATED REQUEST FOR DISMISSAL,</b><br><b>WITH PREJUDICE</b><br><br><b>FED. R. CIV. P. 41(a)(2)</b> |
|---|---|

17 IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil Procedure,  
 18 Rule 41(a)(2), by and between each and every party to this stipulation, by and through the signatures of  
 19 their respective counsel on this stipulation, that the parties to this stipulation wish to formally  
 20 acknowledge and obtain a court order dismissing the entire instant action, as follows:

- 21 1. IT IS HEREBY STIPULATED, by and among Plaintiff DG BERRY, INC. ("Plaintiff")  
 22 and Defendant DRISCOLL STRAWBERRY ASSOCIATES, INC. ("Defendant") that they are  
 23 requesting that a Court order be entered dismissing, *with prejudice*, the entire instant action, pursuant to  
 24 a settlement reached by Plaintiff and Defendant as a result of a successful mediation session.
- 25 2. The undersigned represent and warrant that they have all requisite authority to bind the  
 26 respective parties to the terms of the stipulation.

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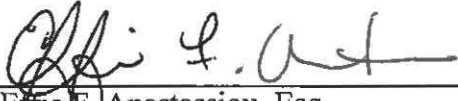
1 3. This stipulation may be executed in any number of counterparts with the same effect as  
2 if all signatories had signed the same documents. All counterparts must be construed together to  
3 constitute one instrument.

4 4. Each party shall bear that party's own costs and attorneys' fees in connection with this  
5 stipulation.

6 SO STIPULATED.

7 ANASTASSIOU & ASSOCIATES

8 Dated: September 27, 2013

9 By:   
10 Effie F. Anastassiou, Esq.  
11 Attorneys for Plaintiff  
12 DG Berry, Inc.

L + G, LLP

13 Dated: September \_\_, 2013

14 By: \_\_\_\_\_  
15 James W. Sullivan, Esq.  
16 Attorneys for Defendant  
17 Driscoll Strawberry Associates, Inc.

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the entire instant action is  
20 hereby dismissed, *with prejudice*.

21 SO ORDERED.

22 Dated: \_\_\_\_\_

23 \_\_\_\_\_  
24 U.S. DISTRICT COURT JUDGE

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7 ANASTASSIOU & ASSOCIATES

8 Dated: September 27, 2013

9 By: \_\_\_\_\_  
10 Effie F. Anastassiou, Esq.  
11 Attorneys for Plaintiff  
12 DG Berry, Inc.

13 Dated: September 27 2013

14 L + G, LLP  
15 By: \_\_\_\_\_  
16 James W. Sullivan, Esq.  
17 Attorneys for Defendant  
18 Driscoll Strawberry Associates, Inc.

19 ORDER

20 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the entire instant action is  
21 hereby dismissed, with prejudice.

22 SO ORDERED.

23 10/11/13

24 Dated: \_\_\_\_\_

25 F:\DGB\Driscoll\Pleadings\Dismissal\Stipulated Dismissal.wpd

