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Attorney For Plaintiff , CRAIG YATES,

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES,

Plaintiff,

v.

BANGKOK THAI EXPRESS, INC., a
 California Corporation dba BANGKOK
 THAI EXPRESS; and DONALD J.
 KELLEHER and DONNA B. KELLEHER,
 Co-Trustees of THE KELLEHER
 FAMILY TRUST of 1990, u/d/t dated July
 14, 1990,

Defendants.

CASE NO. CV-13-5127-NC

**STIPULATION OF DISMISSAL
 AND ~~PROPOSED~~ ORDER
 THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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
5 one original document.

6
7 Dated: January 27, 2015

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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

11
12 Dated: January 27, 2015

MCNEIL, SILVEIRA, RICE & WILEY,

Permission given to use
electronic signature 1/27/2015
via e-mail

13
14
15 By: /s/ Mark J. Rice
Mark J. Rice
16 Patrick J. McNeil

17 Attorneys for Defendants BANGKOK THAI EXPRESS,
18 INC., a California Corporation dba BANGKOK THAI
19 EXPRESS; and DONALD J. KELLEHER and DONNA B.
20 KELLEHER, Co-Trustees of THE KELLEHER FAMILY
21 TRUST of 1990, u/d/t dated July 14, 1990

22 **ORDER**

23 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
24 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
25 the purpose of enforcing the parties' Settlement Agreement and General Release should such
26 enforcement be necessary

27 Dated: January 29, 2015

28 Honorable Magistrate J. [Signature]
UNITED STATES DISTRICT COURT

