

1 Steven N.H. Wood, Esq. (SBN 161291)
 2 **BERGQUIST, WOOD, MCINTOSH & SETO, LLP**
 3 1470 Maria Lane, Suite 300
 Walnut Creek, CA 94596
 Telephone: (925) 938-6100
 Facsimile: (925) 938-4354

4 Attorneys for Defendant
 5 **BORESHA INTERNATIONAL, INC.**,
 a California corporation

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 JOSEPH W. BOSWELL,
 12 Plaintiff,

Case No. 3:14-cv-04025-MEJ

AGREED ORDER OF DISMISSAL

13 v.

14 **BORESHA INTERNATIONAL, INC.**,
 15 a California corporation, and
 16 **CORNERSTONE MARKETING, LLC**,
 an Indiana limited liability company,
 17 Defendants.



18
 19 Now come the parties to this action, Joseph W. Boswell, Plaintiff, by Counsel, Barry L.
 20 Bruce and Associates, L.C.; Boresha International, Inc., Defendant, by Counsel Steven N.H.
 21 Wood, Bergquist, Wood, McIntosh & Seto, LLP; Cornerstone Marketing, LLC, Defendant, by
 22 Joseph Juliano, Managing Member, *pro se*, and respectfully request this Court dismiss the subject
 23 action, without prejudice, and represent until the Court as follows:

24 By Memorandum Opinion and Order entered on September 4, 2014, in the United States
 25 District Court for the Southern District of West Virginia, Beckley Division, Case No 5:11-cv-
 26 15498, the Court found that this matter shall be transferred to the United States District Court for
 27 the Northern District of California because "...the parties agreed to jurisdiction and venue in
 28 California per the plainly worded MOU that incorporated Boresha's Policies and Procedures."

1 Boresha's Policies and Procedures, at paragraph 44, Dispute Resolution, provides that "...any
2 controversy or claim arising out of or relating to this Agreement or the breach thereof, shall be
3 settled through confidential arbitration. The Parties waive rights to trial by jury or to any Court."

4 The Court, having considered the representations of the parties and the Memorandum
5 Opinion and Order entered in the United States District Court for the Southern District of West
6 Virginia, hereby

7 **ORDERS** that this action be dismissed, without prejudice, and stricken from the active
8 docket of the Court.

9 **ENTERED** this the 10 day of November, 2014.



10
11 Judge

12
13 Prepared By:

14 BERGQUIST, WOOD, MCINTOSH & SETO, LLP

15 By: /s/ Steven N.H. Wood, Esq.

16 _____
17 Steven N.H. Wood, CA State Bar #161291
18 BERGQUIST, WOOD, MCINTOSH & SETO, LLP
19 1470 Maria Lane, Suite 300
20 Walnut Creek, CA 94596
21 Tel: (925) 938-6100
22 Fax: (925) 938-4354
23 Email: wood@wcjuris.com
24 (Counsel for Defendant Boresha
25 International, Inc.)

12
13 Reviewed and Agreed By:

14 BARRY L. BRUCE AND ASSOCIATES, L.C.

15 By: /s/ Barry L. Bruce, Esq.

16 _____
17 Barry L. Bruce, WV State Bar ID #511
18 BARRY L. BRUCE AND ASSOCIATES, L.C.
19 P.O. Box 388
20 Lewisburg, WV 24901
21 Tel: (304) 645-4182
22 Fax: (304) 645-4183
23 Email: bbruce@blblaw.org
24 (Counsel for Plaintiff, Joseph Boswell, III)

25
26 CORNERSTONE MARKETING, LLC

27 By: /s/ Joseph Juliano

28 _____
29 Joseph Juliano, Managing Member
30 CORNERSTONE MARKETING, LLC
31 11437 N. Sarah Lane
32 Mooresville, IN 46158
33 Tel: (317) 697-6148
34 (Defendant Cornerstone Marketing, LLC, *pro se*)

1 **SIGNATURE ATTESTATION**

2 I, Steven N.H. Wood, am the ECF user whose identification and password are being used
3 to file the foregoing:

4 **AGREED ORDER OF DISMISSAL**

5 I hereby attest that Barry L. Bruce, Attorney for Plaintiff Joseph Boswell, III, and Joseph
6 Juliano, Managing Member of Cornerstone Marketing, LLC, *pro se*, signatories to this Agreed
7 Order of Dismissal, concurred in this filing.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct. Executed this 7th day of November, 2014, in Walnut Creek, California.

10
11 BERGQUIST, WOOD, MCINTOSH & SETO, LLP

12 By: /s/ Steven N.H. Wood, Esq.

13 _____
14 Steven N.H. Wood, CA State Bar #161291
15 BERGQUIST, WOOD, MCINTOSH & SETO, LLP
16 1470 Maria Lane, Suite 300
17 Walnut Creek, CA 94596
18 Tel: (925) 938-6100
19 Fax: (925) 938-4354
20 Email: wood@wcjuris.com
21 (Counsel for Defendant Boresha
22 International, Inc.)
23
24
25
26
27
28



1 **CERTIFICATE OF SERVICE**

2 I, Kimberly C. Britz, secretary to Steven N.H. Wood, Esq., certify on this 10th day of
3 November, 2014 that a true and correct copy of the “**AGREED ORDER OF DISMISSAL**” was
4 filed with the Clerk, of the U.S. District Court, Northern District of California, using the CM/ECF
5 filing system, which caused a copy to be electronically mailed to all CM/ECF participants
6 registered to receive electronic notices in the above-captioned case.

7
8 Steven N.H. Wood, Esq.
9 BERGQUIST, WOOD, MCINTOSH & SETO, LLP
10 1470 Maria Lane, Suite 300
11 Walnut Creek, CA 94596
12 wood@wcjuris.com
13 *Counsel for Defendant*
14 BORESHA INTERNATIONAL, INC.

15 And deposited the same to the following in the U.S. Mail, postage prepaid, sealed in an envelope,
16 and addressed as follows:

17 Barry L. Bruce, Esq.
18 BARRY L. BRUCE & ASSOCIATES, L.C.
19 101 West Randolph Street
20 P.O. Box 388
21 Lewisburg, WV 24901
22 bbruce@blblaw.org
23 *Counsel for Plaintiff*

24 Joseph Juliano
25 11437 N. Sarah Lane
26 Mooresville, IN 46058
27 *Registered Agent for Cornerstone Marketing, LLC*

28 BERGQUIST, WOOD, MCINTOSH & SETO, LLP

By: /s/ Kimberly C. Britz

Secretary to Steven N.H. Wood, Esq.
BERGQUIST, WOOD, MCINTOSH & SETO, LLP
1470 Maria Lane, Suite 300
Walnut Creek, CA 94596
Tel: (925) 938-6100
Fax: (925) 938-4354