

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6
7 A&C CATALYSTS, INC.,
8 Plaintiff,

9 v.

10 RAYMAT MATERIALS, INC.,
11 Defendant.

Case No. 14-cv-04122-WHA (DMR)

**DECISION RE TERMS OF DISMISSAL;
STIPULATED DISMISSAL WITH
PREJUDICE; AND ~~PROPOSED~~ ORDER**

12
13 On March 9, 2015, I conducted a settlement conference in this matter. A&C Catalysts,
14 Inc. and Raymat Materials, Inc., ("the parties") through their duly authorized representatives and
15 with the assistance of counsel, reached a full and confidential resolution of the case. I stated the
16 material and essential terms of the agreement on the record, and the parties confirmed their
17 agreement to those terms. One of the terms required the parties to file a dismissal of this case, and
18 all claims against each other, with prejudice by no later than March 16, 2015. Subsequently, on
19 March 12, 2015, Judge Alsup ordered the parties to file a stipulation of dismissal by March 17,
20 2015.

21 The parties did not file a stipulated dismissal. Instead, they launched into a disagreement
22 about the terms of such a dismissal. On March 24, 2015, I convened another settlement
23 conference. The parties agreed to engage in settlement discussions for one hour in an attempt to
24 jointly hammer out the terms of a stipulated dismissal. The parties further agreed that if they were
25 not able to do so, they would vest me with the full authority to decide the terms of a stipulated
26 dismissal. They agreed that my decision would be fully binding, enforceable, and not subject to
27 further review.

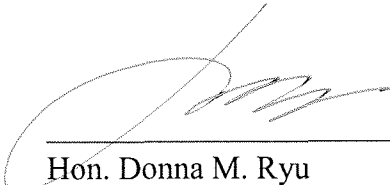
28 Following one hour of settlement discussions, the parties were not able to reach an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

agreement. Therefore, through the authority vested in me by both parties, I now state the terms of the dismissal, to which the parties have agreed to stipulate:

1. The parties dismiss all claims against each other in this action with prejudice.
2. The parties request that Judge Alsup enter an order rescinding his December 30, 2014 order that A&C Catalysts hold \$150,000 in escrow for Raymat Materials, Inc. [Docket 111 at 16:1-2]
3. The parties request that Judge Alsup enter an order rescinding any previous order enjoining A&C Catalyst from using proprietary information obtained from Raymat Material, Inc. regarding the production of N'-Lauroyl-L-lysine ("LL"), including the injunction in Judge Alsup's December 30, 2014 order [Docket 111 at 16:20-21].
4. The parties will not ask Judge Alsup to seal any proprietary information regarding LL that is contained in the record in this case.


Dated: March 24, 2015




Hon. Donna M. Ryu
United States Magistrate Judge

So stipulated.

Dated: March 24, 2015



Jibing Lin, Ph.D.
Raymat Materials Inc.



Abraham Goldstein
A&C Catalysts, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

1. This case is dismissed with prejudice.
2. Any previous order requiring A&C Catalysts to hold \$150,000 in escrow for Raymat Materials, Inc. is now rescinded.
3. Any previous order enjoining A&C Catalyst from using proprietary information obtained from Raymat Material, Inc. regarding the production of N'-Lauroyl-L-lysine ("LL"), is now rescinded.
4. All proprietary information regarding LL that is in the record in this case shall remain unsealed.
5. This order terminates docket numbers 117, 146, and 150. This file is closed.

Dated: March 24, 2015.

