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Attorneys for RICHARD JOHNSON, Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

| | | |
|--------------------------------------|---|---|
| RICHARD JOHNSON |) | Case No. Case No. 3:15-CV-04632 |
| Plaintiff, |) | LB |
| |) | |
| vs. |) | <i>Civil Rights</i> |
| |) | |
| ALBERT A. BERGER, an individual, and |) | STIPULATION OF DISMISSAL |
| PAUL K. BERGER, an individual |) | WITH PREJUDICE AND |
| collectively d/b/a BURGER PIT; |) | (PROPOSED) ORDER |
| PAMELA S. KELLEY, an individual, |) | [F.R.C.P. §§ 41(a)(1)(ii) and (2)] |
| RANDY A. KELLEY, an individual; and |) | |
| DOES 1-20, |) | |
| Defendants. |) | |
| |) | |
| |) | |

Plaintiff RICHARD JOHNSON and Defendants ALBERT A. BERGER, an individual, and
PAUL K. BERGER, an individual collectively d/b/a BURGER PIT; PAMELA S. KELLEY, an
individual, RANDY A. KELLEY, an individual by and through their attorneys of record, file this
Stipulation and Order of Dismissal with Prejudice pursuant to Federal Rule of Civil Procedure §§

1 41(a)(1)(ii) and (2). Plaintiff filed this lawsuit on October 06, 2015. Defendants, who have answered
2 the complaint, agree to the dismissal with prejudice. Plaintiff and Defendants further stipulate that
3 each side shall pay its own attorneys' fees and costs.

4 This case is not a class action, and no receiver has been appointed.

5 Wherefore, Plaintiff and Defendants, by and through their attorneys of record, so stipulate.

6
7 DATED: August 31, 2016

By: /s/
KENNETH J. PINTO
Attorney for Plaintiff RICHARD JOHNSON

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9
10 DATED: August 31, 2016


BY: /s/
SAMUEL L. PHILLIPS
ATTORNEY FOR DEFENDANTS ALBERT A.
BERGER, an individual, and PAUL K. BERGER, an
individual collectively d/b/a BURGER PIT; PAMELA S.
KELLEY, an individual, RANDY A. KELLEY, an
individual

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15 **PROPOSED ORDER**

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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

- 18 1. The lawsuit against Defendants is dismissed with prejudice.
19 2. The Court will retain jurisdiction to enforce the terms of the parties' SETTLEMENT
20 AGREEMENT AND GENERAL RELEASE.
21 3. Each side shall pay its own attorneys' fees and costs.

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24 Dated: September 13, 2016


The Honorable Laurel Beeler United States
District Court Magistrate Judge