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5 Attorneys for Plaintiffs
 OPHCA, LLC, CLIFFORD ORLOFF,
 6 and OLGA ORLOFF

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

12 OPHCA, LLC, a California Limited Liability
 Company, *et al.*,
 13
 Plaintiffs,
 14
 vs.
 15 CITY OF BERKELEY,
 16
 Defendant.

Case No. 3:16-cv-03046-CRB

**RULE 41 STIPULATION TO
 DISMISS ENTIRE ACTION: ORDER**

Judge: Hon. Charles R. Breyer
 Courtroom: 6 (17th Floor)

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1 Pursuant to Federal Rule of Civil Procedure 41, the undersigned parties hereby stipulate as
2 follows:

3 WHEREAS, in February 2017, Plaintiffs filed a related action in the California Superior
4 Court, County of Alameda: *OPHCA, LLC vs. City of Berkeley*, Case No. RG17850595 (State
5 Court Action);

6 WHEREAS, on November 29, 2017, the California Superior Court entered judgment in
7 the State Court Action and that judgment resolves the claims in this action;

8 WHEREAS, the parties have agreed to dismiss this action in light of the resolution
9 reached in the State Court Action;

10 WHEREAS, no party shall be entitled to recover fees or costs based on the dismissal of
11 this action;

12 NOW, THEREFORE, the undersigned parties ask that the Court dismiss Plaintiffs'
13 complaint with prejudice.

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15 Respectfully submitted,

16 Dated: December 12, 2017

MORRISON & FOERSTER LLP

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By: /s/ Navi Singh Dhillon

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NAVI SINGH DHILLON

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Attorneys for Plaintiffs
OPHCA, LLC, CLIFFORD ORLOFF,
and OLGA ORLOFF

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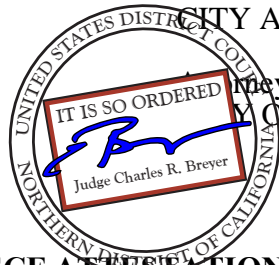
Dated: December 12, 2017

By: /s/ Farimah Brown

Farimah Brown
CITY ATTORNEY

Attorney for Defendant
CITY OF BERKELEY

Date: December 14, 2017



ECF ATTESTATION

I, Navi Singh Dhillon, hereby attest that Farimah Brown concurs in this filing. This attestation is made pursuant to Civil Local Rule 5-1.