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 8 **UNITED STATES DISTRICT COURT**
 9
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 HARRISON BENJAMIN KINNEY,)	CASE NO. 16-cv-04947
12 Plaintiff,)	
13 v.)	STIPULATION OF DISMISSAL AND
)	[PROPOSED] ORDER THEREON
14 DONALD J. KELLEHER and DONNA B.)	
15 KELLHER, Co-Trustees of THE)	
16 KELLEHER FAMILY TRUST of 1990,)	
u/d/t dated July 14, 1990, <i>et al.</i> ,)	
17 Defendants.)	

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20 The Parties, by and through their respective counsel, stipulate to dismissal of this
21 action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2).

22 IT IS HEREBY STIPULATED by and between parties to this action through their
23 designated counsel that the above-captioned action become and hereby is dismissed with
24 prejudice and each side is to bear its own costs and attorneys' fees.

25 The parties further consent to and request that the Court retain jurisdiction over
26 enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994)
27 (empowering the district courts to retain jurisdiction over enforcement of settlement
28 agreements).

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER

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Respectfully Submitted,

Dated: January 18, 2017

THOMAS E. FRANKOVICH, APLC
A PROFESSIONAL LAW CORPORATION

By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
Attorney for Plaintiff

Dated: January 11, 2017

McNEIL, SILVEIRA, RICE & WILEY

By: /s/ Mark J. Rice
Mark J. Rice
Attorney for Defendants

ORDER

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(2) and each side is to bear its own costs and attorneys' fees. IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

Dated: January 18, 2017

Hon. Maria-Elena James
UNITED STATES MAGISTRATE JUDGE