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19 Attorneys for Plaintiffs and Counterclaim Defendants  
 20 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,  
 21 MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE and SPX FITNESS, INC.

22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA

24 LAGREE TECHNOLOGIES, INC.,  
 25 LAGREE FITNESS, INC., MAXIMUM  
 26 FITNESS INCORPORATED, AND  
 27 SEBASTIEN LAGREE,

CASE NO.: 3:17-CV-00795-JST

28 Plaintiffs,

**PARTIES' STIPULATION OF DISMISSAL  
 OF THE PRESENT ACTION WITH  
 PREJUDICE AND [PROPOSED] ORDER.**

v.

29 SPARTACUS 20<sup>TH</sup> L.P., SPARTACUS  
 30 20<sup>TH</sup> G.P., INC., PHILIP R. PALUMBO,  
 31 JAKOB IRION, BODYROK  
 32 FRANCHISE, L.P., BODYROK  
 33 FRANCHISE G.P., INC., EXERCISE  
 34 TECHNOLOGIES, L.P., BODYROK  
 35 MARINA, LP., SCULPT FITNESS  
 36 BERKELEY, LLC, SPARTACUS  
 37 LOMBARD, L.P., AND DOES 1  
 38 THROUGH 10, INCLUSIVE,

Defendants.

1 SPARTACUS 20<sup>TH</sup> L.P., SPARTACUS  
2 20<sup>TH</sup> G.P., INC., PHILIP R. PALUMBO,  
3 JAKOB IRION, BODYROK  
4 FRANCHISE, L.P., BODYROK  
5 FRANCHISE G.P., INC., EXERCISE  
6 TECHNOLOGIES, L.P., BODYROK  
7 MARINA, L.P., SCULPT FITNESS  
8 BERKELEY, LLC, AND SPARTACUS  
9 LOMBARD, L.P.,

6 Counterclaim Plaintiffs,

7 v.

8 LAGREE TECHNOLOGIES, INC.,  
9 LAGREE FITNESS, INC., MAXIMUM  
10 FITNESS INCORPORATED, AND  
11 SEBASTIEN LAGREE, SPX FITNESS,  
12 INC., AND ROES 1-10, INCLUSIVE

11 Counterclaim Defendants.

13 TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

14 Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), and per the Court's  
15 December 2, 2017 order (ECF 139), Plaintiffs and Counterclaim Defendants LAGREE  
16 TECHNOLOGIES, INC., LAGREE FITNESS, INC., MAXIMUM FITNESS  
17 INCORPORATED, SEBASTIEN LAGREE, and SPX FITNESS, INC., and Defendants and  
18 Counterclaim Plaintiffs SPARTACUS 20<sup>TH</sup> L.P., SPARTACUS 20<sup>TH</sup> G.P., INC., PHILIP P.  
19 PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P.,  
20 INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS  
21 BERKELEY, LLC, and SPARTACUS LOMBARD, L.P. (collectively, the "Parties"), stipulate  
22 as follows:  
23

24 WHEREAS, during the Settlement Conference held on October 5, 2017, the Parties  
25 reached a binding agreement ("Settlement Agreement") to settle and dismiss the entirety of  
26 the present action in consideration of the negotiated terms read into the record by Magistrate  
27 Judge Donna M. Ryu, and agreed to by the Parties and their counsel, at the conclusion of said  
28

1 Conference (“October 5, 2017 Settlement Conference Transcript”)

2 WHEREAS, on January 8, 2018, the Parties signed an Addendum Agreement on  
3 confidentiality and transferability of the Settlement Agreement.

4 WHEREAS, on January 10, 2018, Judge Ryu granted the Parties stipulation regarding  
5 sealing the October 5, 2017 Settlement Conference Transcript and redacting the terms of the  
6 Settlement Agreement from the version of the Transcript that will become publicly accessible  
7 through the Court’s PACER service.

8 WHEREAS, the Parties agree that this Court shall retain jurisdiction of any action to  
9 enforce the terms of the Settlement Agreement and the Addendum Agreement.

10 NOW, THEREFORE, the Parties, by and through their respective counsel, hereby  
11 stipulate and agree to the dismissal of this action with prejudice, including all claims and  
12 counterclaims stated herein against any and all parties, with each party bearing its own attorney’s  
13 fees and costs.

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**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: January 11, 2018

Neustel Law Offices, LTD

/s/ Chad E. Ziegler  
Chad E. Ziegler (Pro Hac Vice)  
Edward K. Runyan (Pro Hac Vice)  
Michelle G. Breit (Bar No. 133143)

Attorneys for Plaintiffs and Counter-  
defendants, LAGREE TECHNOLOGIES,  
INC., LAGREE FITNESS, INC.,  
MAXIMUM FITNESS INCORPORATED,  
SEBASTIEN LAGREE, and SPX FITNESS,  
INC.

Dated: January 11, 2018

Gordon Rees Scully Mansukhani, LLP

/s/ Robert P. Andris  
Robert P. Andris (SBN: 130290)  
Michael D. Kanach (SBN: 271215)  
Kevin W. Alexander (SBN: 175204)

Attorneys for Defendants and Counter-  
plaintiffs, SPARTACUS 20<sup>TH</sup> L.P.,  
SPARTACUS 20<sup>TH</sup> G.P., INC.,  
PHILIP R. PALUMBO,  
JAKOB IRION,  
BODYROK FRANCHISE, L.P.,  
BODYROK FRANCHISE, G.P., INC.,  
EXERCISE TECHNOLOGIES, L.P.,  
BODYROK MARINA, LP.  
SCULPT FITNESS BERKELEY, LLC, and  
SPARTACUS LOMBARD, L.P.

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**ORDER OF DISMISSAL**

Pursuant to the stipulation of the Parties under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), IT IS ORDERED THAT THIS ACTION IS HEREBY DISMISSED WITH PREJUDICE as to all claims, counterclaims, and parties, with each party bearing its own attorney’s fees and costs. This Court shall retain jurisdiction to enforce and/or interpret the terms of the Settlement Agreement and the Addendum Agreement. The Clerk is directed to close the file.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: January 11, 2018

  
UNITED STATES DISTRICT JUDGE  
Honorable Jon. S. Tigar

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**FILER'S ATTESTATION**

I, Chad E. Ziegler, am an ECF user whose ID and password are being used to file this PARTIES' STIPULATION OF DISMISSAL OF THE PRESENT ACTION WITH PREJUDICE AND [PROPOSED] ORDER. Plaintiffs' counsel obtained Defendants' counsel's authority prior to the filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel for the Defendants concur in this filing.

/s/ Chad E. Ziegler  
Chad E. Ziegler