THOMAS N. STEWART, III - #88128
ATTORNEY AT LAW
369 BLUE OAK LANE, 2nd FLOOR
CLAYTON, CA 94517
TELEPHONE (925) 672-8452
TELEFAX (925) 673-1729
Attorneys for Albert Dytch

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ALBERT DYTCH,	Case No. C 08-5625-SBA
Plaintiff,	STIPULATION OF DISMISSAL OF COMPLAINT; ORDER
v.	
LYKIENG TACHAVIRAT,	
Defendants.	
_____/	
and Third Party Complaint.	
_____/	

The Parties hereto stipulate as follows:

The Plaintiff and Defendant (hereafter the "Parties") have reached a full and final

settlement of all issues between them in this action. A Settlement Agreement between the

Plaintiff and Defendant has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The Parties

shall comply with their Settlement Agreement, a copy of which is incorporated by reference as

if fully set forth. The Parties request the Court to appoint a U.S. Magistrate Judge to retain

jurisdiction for two years from the date hereof in order to enforce the terms of the Settlement

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Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America,* 511 U.S. 375, 381-82 (1994).

Although the Parties are hereby dismissing the Complaint with prejudice, they agree that the Court will appoint a U.S. Magistrate Judge to retain jurisdiction over this action and the Parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the Parties to this action through their designated counsel that Complaint be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court shall appoint a U.S. Magistrate Judge to retain jurisdiction to enforce the terms of the Settlement Agreement for two years after the date hereof.

THIS ACTION CONTINUES as to the Third Party Complaint.

Date: October 19, 2009   Date: October 20, 2009

S/Frank Mayo,   S/Thomas N. Stewart, III,
Attorney for Defendant   Attorney for Plaintiff

IT IS SO ORDERED:

Date: 10/22/09   *Saundra B Armstrong*
                                   Judge