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 an individual

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 MARSHALL LOSKOT, an individual,)
 10 Plaintiffs,)
 11 v.)
 12 EL CHARRO RESTAURANT;)
 13 WELLINGTON UGARTE PALACIOS;)
 14 UGARTE-PALACIOS, INC., a California)
 corporation,)
 15 Defendants.)
 16)
 17)

CASE NO. CV-09-2439-LB

**STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER THEREON**

18 The parties, by and through their respective counsel, stipulate to dismissal of this action in
 19 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
 20 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
 21 costs and attorneys’ fees. The parties further consent to and request that the Court retain
 22 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S.
 23 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
 24 agreements).

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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON **CASE NO. CV-09-2439-LB**

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

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7 Dated: June 13, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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10 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
Attorneys for Plaintiff MARSHALL LOSKOT

11
12 Dated: June , 2011

JEFFER, MANGELS, BUTLER &
MITCHELL, LLP

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15 By: _____
16 Martin H. Orlick
17 Attorney for Defendants, WELLINGTON
18 UGARTE; and UGARTE-PALACIOS, INC.,

19 **ORDER**

20 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
21 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
22 purpose of enforcing the parties' Settlement Agreement and General Release should such
23 enforcement be necessary.
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26 Dated: June 22, 2011



Honorable Magistrate Judge Laurel Beeler
UNITED STATES DISTRICT JUDGE