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13 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 AUTOMOTIVE INDUSTRIES PENSION
15 TRUST FUND, JAMES H. BENO, Trustee,
BILL BRUNELLI, Trustee, STEPHEN J.
16 MACK, Trustee, CHRIS CHRISTOPHERSEN,
Trustee, DON CROSATTO, Trustee, MARK
17 HOLLIBUSH, Trustee, GEORGE HALL, JR.,
Trustee, CHARLES J. DI BARI, Trustee, RON
18 NELSON, Trustee, and JAMES V.
CANTERBURY, Trustee,

19 Plaintiffs,

20 v.

21 FREMONT MOTORS, INC., a California
22 corporation, doing business as FREMONT
LINCOLN MERCURY, MARK D.
23 HAMILTON, an Individual, and as Trustee of
the MARK HAMILTON TRUST, and as
24 Trustee of the MARK AND HOLLY
HAMILTON 1984 TRUST,
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Case No.: C 09-02547 SBA

~~XXXXXXXX~~ STIPULATION FOR 60-
DAY *CONDITIONAL* DISMISSAL
PENDING FULFILLMENT OF
SETTLEMENT AGREEMENT

DATE:

TIME:

JUDGE: HON. SAUNDRA BROWN
ARMSTRONG

26 IT IS STIPULATED by and between the parties to this action through their counsel that
27 Plaintiffs' claims against Defendant **Mark Hamilton**, individually and as Trustee of the Mark and
28

1 Holly Hamilton 1984 Trust, be *conditionally* dismissed pending full execution of the parties'
2 settlement agreement within sixty (60) days of the Court's order approving this stipulation.

3 In settlement of the claims asserted against Defendant Mark Hamilton, Mr. Hamilton has
4 entered into a Stipulation for Amendment of Judgment signed by Defendant on February 23, 2010.

5 Accordingly, the claims against Mr. Hamilton may be *conditionally* dismissed without
6 prejudice until sixty (60) days from the date the Court approves this stipulation for conditional
7 dismissal unless reinstated by Plaintiffs due to Mr. Hamilton's failure to fulfill the terms of the
8 Stipulation for Amendment of Judgment.

9 The Court shall retain jurisdiction of this matter. The parties each specifically consent to
10 the authority of a Magistrate Judge for all future proceedings relating to the Stipulation for
11 Amendment of Judgment and/or this Stipulation for 60-Day Conditional Dismissal.


12 Dated: March 18, 2010

SALTZMAN & JOHNSON LAW CORPORATION


13
14 By: 
15 Michelle L. Sicula
16 Attorneys for Plaintiffs

17 Dated: March 7, 2010

LITTLER MENDELSON
A PROFESSIONAL CORPORATION

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19 By: 
20 Joshua Cliffe
21 Attorney for Defendant Fremont Motors Inc. and
22 Defendant Mark D. Hamilton, as an individual
and as Trustee of the MARK AND HOLLY
HAMILTON 1984 TRUST

23 Dated: March 5, 2010

24 By: 
25 Mark D. Hamilton
26 Individually and as Trustee of the Mark and
27 Holly Hamilton 1984 Trust
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1 Dated: March 5, 2010

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IT IS SO ORDERED.

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Dated: 3/30/10

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By: Holly Hamilton

Holly Hamilton
Individually

Sandra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge