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5 Attorneys for Plaintiff  
 VALLEY ORCHIDS, INC.

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9 OAKLAND

11 SOUTH PACIFIC ORCHIDS, INC., a  
 corporation;

12 Plaintiff,

13 v.

14 ROUND-THE-WORLD LOGISTICS )  
 (U.S.A.) CORP., a corporation; )  
 15 EVERGREEN SHIPPING AGENCY )  
 (AMERICA) CORPORATION, a )  
 16 corporation; EVERGREEN )  
 17 INTERNATIONAL CORP., a corporation; )  
 EVERGREEN INTERNATIONAL INC., a )  
 18 corporation; EVERGREEN LINE, an entity )  
 of unknown form; BENZ )  
 19 TRANSPORTATION INC., a corporation; )  
 and DOES ONE through FIFTEEN, )

20 Defendants. )  
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Case No. 3:10-CV-03278-SBA

**STIPULATION OF DISMISSAL AND  
 ORDER THEREON**

[FRCP 41(a)(2)]

22 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipulate and  
 23 request the following:

24 Pursuant to settlement, this action is hereby dismissed with prejudice, provided however  
 25 that if, within 120 days of the entry of this order, plaintiff files notice, supported by declaration,  
 26 that the consideration in the settlement agreement has not been paid by BENZ  
 27 TRANSPORTATION INC., the dismissal as to BENZ TRANSPORTATION INC. only shall be  
 28 vacated and the action shall be restored to the active docket.

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Dated: March 13, 2012

Respectfully submitted,  
GIBSON ROBB & LINDH LLP  
/s/ JOSHUA E. KIRSCH  
Joshua E. Kirsch  
Attorney for Plaintiff  
SOUTH PACIFIC ORCHIDS, INC.

Dated: March 13, 2012

LAW OFFICES OF GARY A. ANGEL  
/s/ GARY A. ANGEL  
Gary A. Angel, Esq.  
Attorney for Third Party Defendant  
PORTS AMERICA, INC.

Dated: March 13, 2012

COGSWELL NAKAZAWA & CHANG, LLP  
/s/ ALAN NAKAZAWA  
Alan Nakazawa, Esq.  
Attorney for Defendants, Cross-Claimants and  
Third Party Plaintiffs  
EVERGREEN SHIPPING AGENCY (AMERICA)  
CORPORATION, EVERGREEN  
INTERNATIONAL CORP. AND EVERGREEN  
MARINE (UK) LIMITED, SUED HEREIN AND  
DOING BUSINESS AS "EVERGREEN LINE"

Dated: March 13, 2012

LAW OFFICES OF JOHN M. DALEY  
/s/ JOHN M. DALEY  
John M. Daley, Esq.  
Attorney for Defendant and Cross-Defendant  
BENZ TRANSPORTATION INC.

Dated: March 13, 2012

ROBERTS & KEHAGIARAS LLP  
/s/ CAMERON ROBERTS  
Cameron Roberts, Esq.  
Attorney for Defendant  
ROUND-THE-WORLD LOGISTICS (U.S.A.)  
CORP.

Joshua E. Kirsch attests that concurrence in the filing of this document has been obtained from each of the other signatories identified herein.

IT IS SO ORDERED.

Dated: 3/14/12

  
UNITED STATES DISTRICT JUDGE