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5 Attorneys for Plaintiff  
 VALLEY ORCHIDS, INC.

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

12 VALLEY ORCHIDS, INC., a corporation; )  
 13 Plaintiff, )  
 14 v. )  
 15 LEADER MUTUAL FREIGHT SYSTEM )  
 16 (SAN FRANCISCO), a corporation; )  
 17 LEADER MUTUAL FREIGHT SYSTEM, )  
 18 INC., a corporation; EVERGREEN )  
 SHIPPING AGENCY (AMERICA) )  
 19 CORPORATION, a corporation; )  
 EVERGREEN INTERNATIONAL CORP., )  
 20 a corporation; EVERGREEN )  
 INTERNATIONAL INC., a corporation; )  
 21 EVERGREEN LINE, an entity of unknown )  
 form; BENZ TRANSPORTATION INC., a )  
 22 corporation; and DOES ONE through )  
 FIFTEEN, )  
 23 Defendants. )

Case No. 3:10-cv-03287-SBA

**STIPULATION OF DISMISSAL AND  
 ORDER THEREON**

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[FRCP 41(a)(2)]

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

26 Pursuant to settlement, this action is hereby dismissed with prejudice, provided however  
 27 that if, within 120 days of the entry of this order, plaintiff files notice, supported by declaration,  
 28 that the consideration in the settlement agreement has not been paid by BENZ

1 TRANSPORTATION INC., the dismissal as to BENZ TRANSPORTATION INC. only shall be  
2 vacated and the action shall be restored to the active docket.

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4 Dated: March 13, 2012

GIBSON ROBB & LINDH LLP

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/s/ JOSHUA E. KIRSCH  
Joshua E. Kirsch  
Attorney for Plaintiff  
VALLEY ORCHIDS, INC.

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8 Dated: March 13, 2012

LAW OFFICES OF GARY A. ANGEL

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

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12 Dated: March 13, 2012

COGSWELL NAKAZAWA & CHANG, LLP

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/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"

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18 Dated: March 13, 2012

LAW OFFICES OF JOHN M. DALEY

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

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

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25 IT IS SO ORDERED.

Dated: \_3/14/12

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UNITED STATES DISTRICT JUDGE

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