I

v.) ORDER THEREON 15) 16 (SAN FRANCISCO), a corporation;) 16 (SAN FRANCISCO), a corporation;) 17 INC., a corporation; EVERGREEN) 18 CORPORATION, a corporation;) 19 a corporation; EVERGREEN) 19 a corporation; EVERGREEN) 10 EVERGREEN INTERNATIONAL CORP.,)) 11 RTTERNATIONAL INC., a corporation;)) 120 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 11 corporation; and DOES ONE through)) 121 Defendants.)) 23				
8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 OAKLAND 11 OAKLAND 12 VALLEY ORCHIDS, INC., a corporation;) 13 Case No. 3:10-cv-03287-SBA 14 V. 15 Case No. 3:10-cv-03287-SBA 16 STIPULATION OF DISMISSAL A 17 NC, a corporation; () 18 CORPORATION, a corporation; () 19 a corporation; EVERGREEN () 17 INC., a corporation; () 18 CORPORATION, a corporation; () 19 a corporation; EVERGREEN () 17 INTERNATIONAL LOR, a corporation; () 18 CORPORATION, a corporation; () 19 a corporation; and DOES ONE through () 11 INTERNATIONAL LOR, () 12 Defendants. () 13 Defendants. () 14 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipulated 15 request the following: 16 Pursuant to settlement, this action is hereby dismissed with prejudice, provided 17 that if, within 120 days of the entry of	2 3 4 5	GIBSON ROBB & LINDH, LLP 201 Mission Street, Suite 2700 San Francisco, California 94105 Telephone: (415) 348-6000 Facsimile: (415) 348-6001 Email: jkirsch@gibsonrobb.com Attorneys for Plaintiff		
9 NORTHERN DISTRICT OF CALIFORNIA 10 OAKLAND 11 VALLEY ORCHIDS, INC., a corporation;) 13 Plaintiff,) 14 V. 15 Plaintiff,) 16 STIPULATION OF DISMISSAL A 17 NC, a corporation; EVERGREIN) 18 CORPORATION, a corporation;) 19 a corporation; EVERGREEN) 19 a corporation; EVERGREEN) 19 a corporation; EVERGREEN) 10 INTERNATIONAL INC., a corporation;) 11 EVERGREEN INTERNATIONAL CORP.,) 12 Orporation; EVERGREEN) 13 INTERNATIONAL INC., a corporation;) 14 EVERGREEN INTERNATION INC., a) 15 Corporation; and DOES ONE through) 16 FIFTEEN,) 17 Defendants.) 18 Defendants.) 19 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipula 16 Fursuant to settlement, this action is hereby dismissed with prejudice, provided 16 Pursuant to settlement agreement has not been paid by BENZ 17 TULATION OF DI		UNITED STATES DISTRICT COURT		
10 OAKLAND 11 VALLEY ORCHIDS, INC., a corporation;) Case No. 3:10-cv-03287-SBA 13 Plaintiff,) Case No. 3:10-cv-03287-SBA 14 v. ORDER THEREON 15 VALLEY ORCHIDS, INC., a corporation;) FRCP 41(a)(2)] 16 (SAN FRANCISCO), a corporation;) FRCP 41(a)(2)] 17 INC., a corporation; EVERGREEN) FRCP 41(a)(2)] 18 CORPORATIONAL INC., a corporation;) FVERGREEN INTERNATIONAL CORP.,) 19 a corporation; EVERGREEN) FIFTERNATIONAL INC., a corporation;) 10 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 10 corporation; and DOES ONE through) FIFTEEN,) 11 Defendants.)) 12 Defendants.)) 13 Defendants.)) 14 Pursuant to settlement, this action is hereby dismissed with prejudice, provided 15 that if, within 120 days of the entry of this order, plaintiff files notice, supported by de 16 that the consideration in the settlement agreement has not been paid by BENZ 3111 STIPULATION OF DISMISSAL AND JPROPOSED J ORDER THEREON <td></td> <td colspan="3"></td>				
11 VALLEY ORCHIDS, INC., a corporation; Case No. 3:10-cv-03287-SBA 13 Plaintiff, Case No. 3:10-cv-03287-SBA 14 v. STIPULATION OF DISMISSAL AND (PROPOSED] ORDER THEREON 15 V. IFRCP 41(a)(2)] 16 (SAN FRANCISCO), a corporation; IFRCP 41(a)(2)] 17 INC., a corporation; EVERGREEN IFRCP 41(a)(2)] 18 CORPORATION, a corporation; IFRCP 41(a)(2)] 19 a corporation; EVERGREEN INTERNATIONAL CORP., INTERNATIONAL CORP., INTERNATIONAL INC., a corporation; IFRCP 41(a)(2), the parties hereby stipula 10 EVERGREEN INTERNATION INC., a corporation; IFRCP 41(a)(2), the parties hereby stipula 18 Corporation; EVERGREEN INTERNATIONAL INC., a corporation; 20 EVERGREEN LINE, an entity of unknown if form; BENZ TRANSPORTATION INC., a corporation; Image: Corporation; and DOES ONE through if IFTEEN, image: Corporation; and DOES one through image: Corporation; and DOES one through image: Corporation; and to settlement, this action is hereby dismissed with prejudice, provided that if, within 120 days of the entry of this order, plaintiff files notice, supported by de 21 STIPULATION OF DISMISSAL AND (PROPOSED] ORDER THEREON </td <td></td> <td colspan="3"></td>				
12 VALLEY ORCHIDS, INC., a corporation;) Case No. 3:10-cv-03287-SBA 13 Plaintiff,) ORDER THEREON 14 v.) 15 v.) 16 (SAN FRANCISCO), a corporation;) LEADER MUTUAL FREIGHT SYSTEM) 17 INC., a corporation; EVERGREEN) IFRCP 41(a)(2)] 18 CORPORATION, a corporation;) EVERGREEN INTERNATIONAL CORP.,) 19 a corporation; EVERGREEN)) 19 a corporation; EVERGREEN)) 19 a corporation; EVERGREEN)) 10 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 10 corporation; and DOES ONE through)) 11 FIFTEEN,)) 12 Defendants.)) 13 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipula 15 request the following:) 16 Pursuant to settlement, this action is hereby dismissed with prejudice, provided 17 that if, within 120 days of the entry of this order, plaintiff files notice, supported by de 18 that the consideration in the settlement agreem		OAKLAND		
13 VALLEY ORCHIDS, INC., a corporation;) Case No. 3:10-cv-03287-SBA 14 Plaintiff,) STIPULATION OF DISMISSAL A 15 v. ORDER THEREON 16 (SAN FRANCISCO), a corporation;) [FRCP 41(a)(2)] 16 (SAN FRANCISCO), a corporation;) [FRCP 41(a)(2)] 17 INC., a corporation; EVERGREEN) [FRCP 41(a)(2)] 18 CORPORATION, a corporation;) EVERGREEN INTERNATIONAL CORP.,) 19 a corporation; EVERGREEN) INTERNATIONAL INC., a corporation;) 20 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 21 corporation; and DOES ONE through) FIFTEEN,) 22				
14 v. ORDER THEREON 15 LEADER MUTUAL FREIGHT SYSTEM [FRCP 41(a)(2)] 16 (SAN FRANCISCO), a corporation; LEADER MUTUAL FREIGHT SYSTEM,) [FRCP 41(a)(2)] 17 INC., a corporation; EVERGREEN) [FRCP 41(a)(2)] 18 CORPORATION, a corporation;) [EVERGREEN INTERNATIONAL CORP.,) 19 a corporation; EVERGREEN) INTERNATIONAL INC., a corporation;) 20 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 21 corporation; and DOES ONE through) FIFTEEN,) 22 Defendants.)) 23 Defendants.)) 24 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipula 25 request the following: 26 Pursuant to settlement, this action is hereby dismissed with prejudice, provided 27 that if, within 120 days of the entry of this order, plaintiff files notice, supported by de 28 that the consideration in the settlement agreement has not been paid by BENZ 31 STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON				
15 IEADER MUTUAL FREIGHT SYSTEM [FRCP 41(a)(2)] 16 (SAN FRANCISCO), a corporation;) 17 INC., a corporation; EVERGREEN) 17 INC., a corporation; EVERGREEN) 18 CORPORATION, a corporation;) 19 a corporation; EVERGREEN) 19 a corporation; EVERGREEN) 10 INTERNATIONAL INC., a corporation;) 20 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 21 corporation; and DOES ONE through) 22)) 23	14) STIPULATION OF DISMISSAL AND		
 16 (SAN FRANCISCO), a corporation; LEADER MUTUAL FREIGHT SYSTEM,) 17 INC., a corporation; EVERGREEN) SHIPPING AGENCY (AMERICA)) 18 CORPORATION, a corporation;) EVERGREEN INTERNATIONAL CORP.,) 19 a corporation; EVERGREEN) INTERNATIONAL INC., a corporation;) 20 EVERGREEN LINE, an entity of unknown) form; BENZ TRANSPORTATION INC., a) 21 corporation; and DOES ONE through) FIFTEEN,) 22 Defendants.) 23 Defendants.) 24 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipula 25 request the following: 26 Pursuant to settlement, this action is hereby dismissed with prejudice, provided 27 that if, within 120 days of the entry of this order, plaintiff files notice, supported by de 28 that the consideration in the settlement agreement has not been paid by BENZ 	15	ý		
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 21 corporation; and DOES ONE through	20	INTERNATIONAL INC., a corporation;) EVERGREEN LINE, an entity of unknown)		
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28 that the consideration in the settlement agreement has not been paid by BENZ STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON	26	Pursuant to settlement, this action is hereby dismissed with prejudice, provided however		
STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON	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		
CASE NO. 5:10-CV-05287-SBA; OUK FILE NO. 5474.71				
и —		CASE NO. 5:10-CV-0528/-SBA; OUK FILE NO. 54/4./1		

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.		
3			
4	Dated: March 13, 2012	GIBSON ROBB & LINDH LLP	
5		/s/ JOSHUA E. KIRSCH	
6		Joshua E. Kirsch	
7		Attorney for Plaintiff VALLEY ORCHIDS, INC.	
8	Dated: March 13, 2012	LAW OFFICES OF GARY A. ANGEL	
9		/s/ GARY A. ANGEL	
10		Gary A. Angel, Esq. Attorney for Third Party Defendant	
11		PORTS AMERICA, INC.	
12	Dated: March 13, 2012	COGSWELL NAKAZAWA & CHANG, LLP	
13		/s/ ALAN NAKAZAWA	
14		Alan Nakazawa, Esq. Attorney for Defendants, Cross-Claimants and	
15		Third Party Plaintiffs EVERGREEN SHIPPING AGENCY (AMERICA)	
16		CORPORATION, EVERGREEN INTERNATIONAL CORP. AND EVERGREEN	
17		MARINE (UK) LIMITED, SUED HEREIN AND DOING BUSINESS AS "EVERGREEN LINE"	
18	Dated: March 13, 2012	LAW OFFICES OF JOHN M. DALEY	
19		/s/ JOHN M. DALEY	
20		John M. Daley, Esq. Attorney for Defendant and Cross-Defendant BENZ TRANSPORTATION INC.	
21		BENZ TRANSPORTATION INC.	
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.		
24			
25	IT IS SO ORDERED.	Dated: _3/14/12	
26		L, RD X	
27		UNITED STATES DISTRICT JUDGE	
28			
	STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON CASE NO. 3:10-cv-03287-SBA; OUR FILE NO. 5474.71 - 2 -		