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EDUARDO MENDOZA, DENISE MENDOZA,  
9 and DARUKA WANIGATUNGA

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12  
13 Scottsdale Insurance Company,  
14 Plaintiff,

15 v.

16 Eduardo Mendoza, an individual; Denise  
17 Mendoza, an individual; Daruka Wanigatunga,  
an individual dba Café Cocomo; Abitsch &  
18 Abitsch, LLC, a corporation; and Does 1 through  
20, inclusive,

19 Defendants.  
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21 EDUARDO MENDOZA, an individual;  
22 DENISE MENDOZA, an individual; and  
DARUKA WANIGATUNGA, an individual,

23 Counter-Claimants,

24 v.

25 SCOTTSDALE INSURANCE COMPANY, a  
26 corporation,

27 Counter-Defendants.  
28

AND RELATED CROSS-CLAIMS &  
COUNTERCLAIMS

) Case No. CV 11 4398 DMR

) **STIPULATION FOR ORDER FOR  
DISMISSAL OF COMPLAINT AND  
COUNTERCLAIMS WITH PREJUDICE;  
WITH RESERVATION OF ABITSCH &  
ABITSCH THIRD PARTY CROSS-  
COMPLAINT AGAINST CROSS-  
DEFENDANT LITZ**



1 complaint in San Francisco Superior Court Civil Action No. CGC-07- 466883, entitled *Garcia v.*  
2 *Cocomo et al.*

3  
4 DATED: August 28, 2012

GUY KORNBLUM & ASSOCIATES  
THE LAW OFFICES OF DAVID C. ANDERSON


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6  
7 By: \_\_\_\_\_

  
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Denise Mendoza and Daruka Wanigatunga d/b/a  
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Attorneys for Abitsch & Abitsch, LLC

1 complaint in San Francisco Superior Court Civil Action No. CGC-07- 466883, entitled *Garcia v.*  
2 *Cocomo et al.*

3  
4 DATED: August <sup>27</sup>\_\_, 2012


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ORDER

Based on the above Stipulation the court makes the following Order:

- 1) SCOTTSDALE INSURANCE COMPANY's Complaint against EDUARDO MENDOZA, an individual; DENISE MENDOZA, an individual; DARUKA WANIGATUNGA, an individual dba Café Cocomo; ABITSCH & ABITSCH, LLC, a corporation is hereby dismissed with prejudice as to all claims and causes of action stated therein;
  - 2) The Second Amended Counterclaim and all prior Counterclaims by Counter-claimants, EDUARDO MENDOZA, an individual; DENISE MENDOZA, an individual; DARUKA WANIGATUNGA, an individual; and ABITSCH & ABITSCH, LLC are hereby dismissed with prejudice as to all claims and causes of action stated therein;
  - 3) ~~The Third Party Cross-complaint of ABITSCH & ABITSCH, LLC against ALAN LITZ is not dismissed as a result of the aforesaid Stipulation. Said Cross-complaint, and all claims therein stated are hereby preserved as to further proceedings in this matter.~~ The third party cross-complaint of Abitsch & Abitsch, LLC against Alan Litz was dismissed
- DATED: September 21, 2012 by this court on 9/12/12.

DONNA M. RYU, Magistrate Judge

