1 2 3 4 5 6 7 8 9 10 11 11 12		S DISTRICT COURT RICT OF CALIFORNIA
13		h da an
14 15	Plaintiff, v.	 STIPULATION FOR ORDER FOR DISMISSAL OF COMPLAINT AND COUNTERCLAIMS WITH PREJUDICE; WITH RESERVATION OF ABITSCH & ABITSCH THIRD PARTY CROSS-
16 17 18	Eduardo Mendoza, an individual; Denise Mendoza, an individual; Daruka Wanigatunga, an individual dba Café Cocomo; Abitsch & Abitsch, LLC, a corporation; and Does 1 through 20, inclusive,	COMPLAINT AGAINST CROSS- DEFENDANT LITZ
19	Defendants.	,))
20)
21 22	EDUARDO MENDOZA, an individual; 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)

STIPULATION FOR ORDER FOR DISMISSAL WITH PREJUDICE.-- CV 11 4398 DMR

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STIPULATION

A settlement having been reached in this matter on August 6, 2012, as a result of a mediation 2 before The Honorable Robert Dossee (Ret.) of JAMS as to 1) SCOTTSDALE INSURANCE 3 COMPANY's Complaint against EDUARDO MENDOZA, an individual; DENISE MENDOZA, an 4 individual; DARUKA WANIGATUNGA, an individual dba Café Cocomo; ABITSCH & ABITSCH, 5 LLC, a corporation, 2) the Second Amended Counterclaim and all prior Counterclaims against SCOTTSDALE INSURANCE COMPANY by the following Counter-claimants: EDUARDO MENDOZA, an individual; DENISE MENDOZA, an individual; DARUKA WANIGATUNGA, an individual; and ABITSCH & ABITSCH, LLC, it is hereby stipulated that said Complaint and Counterclaims may be dismissed with prejudice as to each and all of these parties. This Stipulation and Order of Dismissal is as to the referenced Complaint and Counterclaims 11

only; the Third Party Cross-complaint of ABITSCH & ABITSCH, LLC against ALAN LITZ is not dismissed as a result of the aforesaid settlement nor by this Stipulation. Said Third Party Crosscomplaint, and all claims therein stated are hereby reserved as to further proceedings in this matter.

In addition, nothing in this Stipulation or the court's Order should affect 1) ABITSCH & 15 ABITSCH, LLC's cross-action against DARUKA WANIGATUNGA in San Francisco Superior Court 16 Civil Action CGC-07-461540 ("the Underlying Action"), and ABITSCH & ABITSCH, LLC 17 specifically reserves all its rights therein, and/or 2) any other claims which ABITSCH & ABITSCH, 18 LLC has or may have against DARUKA WANIGATUNGA arising either out of the Underlying Action 19 or otherwise, and including, but not limited to, ABITSCH & ABITSCH, LLC's rights as a judgment 20 creditor against DARUKA WANIGATUNGA on the basis of ABITSCH & ABITSCH, LLC's Cross-21

STIPULATION FOR ORDER FOR DISMISSAL WITH PREJUDICE .-- CV 11 4398 DMR

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1	complaint in San Francisco Superior Cou	urt Civil Action No. CGC-07- 466883, entitled Garcia v.
2	Cocomo et al.	
3		
4	DATED: August 2012	GUY KORNBLUM & ASSOCIATES
5		THE LAW OFFICES OF DAVID C. ANDERSON
6		h
7		By:
8		GUY O. KORNBLUM Attorneys for Defendants Eduardo Mendoza, Denise Mendoza and Daruka Wanigatunga d/b/a
9 10		Café Cocomo
11		
12		SELMAN & BREITMAN, LLP
13		
14		By:
15		LINDA WENDELL HSU MARK INBODY
16		NICHOLAS P. HONKAMP
17		Attorneys for Scottsdale Insurance Company
18		
19		MAYO & MAYO
20		
21		By:
22		TERENCE O. MAYO Attorneys for Abitsch & Abitsch, LLC
23		
24		
25		
26		
27		
28		

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1	complaint in San Francisco Super	ior Court Civil Action No. CGC-07- 466883, entitled Garcia
2	Cocomo et al.	
3	19	
4	DATED: August, 2012	GUY KORNBLUM & ASSOCIATES
5		THE LAW OFFICES OF DAVID C, ANDERSON
6	1	
7	,	By: GUY O. KORNBLUM
8		Attorneys for Defendants Eduardo Mendoza,
9		Denise Mendoza and Daruka Wanigatunga d/b/a Café Cocomo
10		
11		SEI MAN & DDEPTMANT TTD
12		SELMAN & BREITMAN, LLP
13		
14		By: LINDA WENDELL HSU
15		MARK INBODY
16		NICHOLAS P. HONKAMP Attorneys for Scottsdale Insurance Company
. 17		
18 19		ΜΑΥΟ & ΜΑΥΟ
20		
20		
21		By:
22		Attorneys for Abitsch & Abitsch, LLC
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1	ORDER			
Based on the above Stipulation the court makes the following Order:				
2 3 1) SCOTTSDALE INSURANCE COMPANY's Complaint against EDUARDO MENDO				
4	individual; DENISE MENDOZA, an individual; DARUKA WANIGATUNGA, an individual dba			
5	Café Cocomo; ABITSCH & ABITSCH, LLC, a corporation is hereby dismissed with prejudice as			
6	to all claims and causes of action stated therein;			
7	2) The Second Amended Counterclaim and all prior Counterclaims by Counter-claimants, EDUARDO			
8	MENDOZA, an individual; DENISE MENDOZA, an individual; DARUKA WANIGATUNGA, an			
9	individual; and ABITSCH & ABITSCH, LLC are hereby dismissed with prejudice as to all claims			
10	and causes of action stated therein;			
11	3) The Third Party Cross-complaint of ABITSCH & ABITSCH, LLC against ALAN LITZ is not			
12	dismissed as a result of the aforesaid Stipulation. Said Cross-complaint, and all claims therein			
12	stated are hereby preserved as to further proceedings in this matter. The third party cross			
13	complaint of Abitsch & Abitsch, LLC against Alan Litz was dismissed			
14	DATED September 21, 2012 by emis court on 9/12/12.			
16	DONNA M. RAD: Magistrate Judge			
17	IT IS SO ORDERED			
18	5 IT IS SO -			
19	Z M. Ryu Z			
20	Z Judge Donna M. Ryu			
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22	DISTRICT OF			
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	STIPULATION FOR ORDER FOR DISMISSAL WITH PREJUDICE CV 11 4398 DMR 4			