

1 Anne Haring Hocking, Cal. Bar No. 88639
anne@haring-smith.com
2 Vijay K. Toke, Cal. Bar No. 215079
vijay@haring-smith.com
3

4 HIARING + SMITH, LLP
101 Lucas Valley Road, Suite 300
5 San Rafael, CA 94903
Telephone: (415) 457-2040
6 Facsimile: (415) 457-2822

7 Attorneys for Plaintiff/Counterdefendant
BLINKY INC.

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 BLINKY INC., a California Corporation,

12)
13) Plaintiff,

14 vs.

15 EMT LIGHTING, INC., a California
Corporation, EMT TECHNOLOGIES, INC., a
16 Nevada Corporation, EMT TECHNOLOGIES,
a sole proprietorship, GEORGE DANIEL
17 WALLER, an individual, ROBERT
HENDERSON, an individual, and DOES 1 –
100,

18)
19) Defendants.
20)

Case No.: CV-11-05487 SBA

**STIPULATION FOR DISMISSAL OF
ACTION WITH PREJUDICE
[Fed. R. Civ. P. 41(a)(1)(A)(ii)];**

ORDER

Action Filed 11/10/2011

21 ///

STIPULATION FOR DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), **IT IS HEREBY STIPULATED** by and between BLINKY, INC. ("Plaintiff" and "Counterdefendant") and GEORGE DANIEL WALLER and SHERRY J. WALLER, as Husband & Wife dba ENERGY MANAGEMENT TECHNOLOGIES ("Defendants" and "Counterclaimants"), by and through their respective counsel of record herein, that the entirety of the above-captioned action, including Plaintiff's Complaint as to all named defendants, and all claims therein, Counterclaimant's Counterclaims, and all claims therein, shall be **dismissed WITH PREJUDICE, and all claims against DOE defendants shall be dismissed WITHOUT PREJUDICE.**

The parties further stipulate and request that the Court retain jurisdiction to enforce the terms of the Settlement Agreement in this action.

The parties stipulate that each party is to bear its own fees and costs.

IT IS SO STIPULATED.

DATED: August 7, 2012

HIARING + SMITH LLP

By: /s/ Vijay K. Toke

Vijay K. Toke
Attorneys for Plaintiff and Counterdefendant
BLINKY, INC.

DATED: August 7, 2012

NEWHOUSE & ASSOCIATES


By: /David E. Newhouse/

David E. Newhouse
Attorneys for Defendants and Counterclaimant
GEORGE DANIEL WALLER and
SHERRY J. WALLER,
as Husband & Wife dba
ENERGY MANAGEMENT TECHNOLOGIES

///

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3
4
5 Dated: 8/9/12

6 
7 _____
8 The Honorable Sandra B. Armstrong
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MARIN

I am employed in the County of Marin, State of California; my business address is 101 Lucas Valley Road, Suite 300, San Rafael, California 94903; I am over the age of 18 and not a party to the within action. On August 7, 2012, I served the following document(s):

**1. STIPULATION FOR DISMISSAL OF ACTION WITH PREJUDICE
[Fed. R. Civ. P. 41(a)(1)(A)(ii)];ORDER**

on the parties shown below:

David E. Newhouse, Esq.
Newhouse & Associates
Twin Oaks Office Plaza, Suite 112
477 Ninth Avenue
San Mateo, CA 94402

Attorney for Defendants &
Counterclaimants:
George Daniel Waller
Sherry J. Waller
Husband and Wife dba
Energy Management Technologies

X (BY MAIL) I am readily familiar with the firm’s practice for the processing of mail; on this date, the above-referenced documents were placed for collection and delivery by the U.S. Postal Service following ordinary business practices.

X Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed this 7th day of August 2012 at San Rafael, California.

/s/ Gerie Johnson
Gerie Johnson