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BMW OF NORTH AMERICA, LLC
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

10
11 JEFFERY A. KAISER,
12 Plaintiff,
13 vs.
14 BMW OF NORTH AMERICA, LLC; and
COUNCIL OF BETTER BUSINESS
15 BUREAUS, INC.,
16 Defendant.

CASE NO. C12-01311 DMR

The Honorable DONNA M. RYU

**STIPULATION AND [REDACTED]
ORDER OF DISMISSAL WITH
PREJUDICE AS TO DEFENDANT BMW
OF NORTH AMERICA, LLC**

Action Filed: March 16, 2012

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19 WHEREAS, on May 20, 2013 Defendant BMW of North America, LLC served Plaintiff
20 with an F.R.C.P. Rule 68 offer of Entry of Judgment;

21 WHEREAS, on May 31, 2013 Plaintiff, through his attorneys of record, accepted BMW of
22 North America, LLC's offer;

23 WHEREAS, following Plaintiff's acceptance of BMW of North America, LLC's F.R.C.P.
24 Rule 68 offer, the parties negotiated a resolution of Plaintiff's attorney's fees claim;

25 WHEREAS, Plaintiff and BMW of North America, LLC have now resolved all claims and
26 causes of action by Plaintiff against BMW of North America, LLC alleged in the herein lawsuit;

27 WHEREAS, the parties have each performed the acts required under the terms of their
28 settlement, including payment of consideration by BMW of North America, LLC;

4819-4622-5684.1

STIPULATION AND [REDACTED] ORDER RE DISMISSAL OF COMPLAINT AGAINST BMW OF NORTH
AMERICA, LLC

1 IT IS HEREBY STIPULATED that Plaintiff's entire complaint and all claims contained
2 therein as against defendant BMW of North America, LLC shall be dismissed with prejudice.

3 IT IS SO STIPULATED.

4 Dated: July 15, 2012

KAISER GORNICK LLP

6 By: /s/ Dennis J. Canty
7 Dennis J. Canty
8 Attorneys for Plaintiff Jeffrey A. Kaiser

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10 Dated: July 15, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

11 By: /s/ Shahram Nassi
12 Roger S. Raphael
13 Shahram Nassi
14 Attorneys for Defendant BMW OF NORTH
15 AMERICA, LLC

16 **ORDER**

17 Pursuant to the Stipulation of the parties, IT IS HEREBY ORDERED that:
18 Plaintiff Jeffrey A. Kaiser's complaint and all claims contained therein as against
19 defendant BMW of North America, LLC shall be dismissed with prejudice.

20 **IT IS SO ORDERED**

21
22 Dated: July 15, 2013



Honorable Donna M. Ryu
United States Magistrate Judge

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