

1 THOMAS E. FRANKOVICH (State Bar #074414)  
 THOMAS E. FRANKOVICH  
 2 *A PROFESSIONAL LAW CORPORATION*  
 4328 Redwood Hwy, Suite 300  
 3 San Rafael, CA 94903  
 Telephone: 415/674-8600  
 4 Facsimile: 415/674-9900  
[tfrankovich@disabilitieslaw.com](mailto:tfrankovich@disabilitieslaw.com)

5 Attorney For Plaintiffs , IRMA RAMIREZ; and  
 6 DAREN HEATHERLY

7  
 8 UNITED STATES DISTRICT COURT  
 9 DISTRICT OF CALIFORNIA

11 IRMA RAMIREZ; and  
 12 DAREN HEATHERLY

13 Plaintiffs,

14 v.

16 SAN FRANCISCO MUNICIPAL  
 17 TRANSPORTATION AGENCY; and  
 CITY and COUNTY OF SAN  
 18 FRANCISCO,

19 Defendants.

CASE NO. CV-12-3656-DMR

STIPULATION OF DISMISSAL AND  
~~PROPOSED~~ ORDER THEREON

20  
 21 The parties, by and through their respective counsel, stipulate to dismissal of this action  
 22 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the  
 23 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own  
 24 costs and attorneys’ fees. The parties further consent to and request that the Court retain  
 25 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511  
 26 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of  
 27 settlement agreements).  
 28

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
2 their designated counsel that the above-captioned action become and hereby is dismissed with  
3 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute  
5 one original document.

7 Dated: January 8, 2014

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

9 By: /s/Thomas E. Frankovich  
10 Thomas E. Frankovich  
11 Attorney for Plaintiffs IRMA RAMIREZ; and  
12 DAREN HEATHERLY

13 Dated: January 8, 2014

DENNIS J. HERRERA  
City Attorney  
CHERYL ADAMS  
Chief Trial Deputy  
DAVID W. AMMONS  
Deputy City Attorney

17 By: /s/ David W. Ammons  
18 DAVID W. AMMONS  
19 Attorneys for Defendant  
20 CITY AND COUNTY OF SAN FRANCISCO

21 **ORDER**

22 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
23 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for  
24 the purpose of enforcing the parties' Settlement Agreement and General Release should such  
25 enforcement be necessary

26 Dated: Jan. 9, 2014

27 Honorable Magistrate Donna M. Ryu  
28 UNITED STATES DISTRICT JUDGE

