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 13 Gnanenthiran Jayanthan

14 **UNITED STATES DISTRICT COURT**

15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 AUTOOPT NETWORKS, INC., a California
 corporation,
 17
 18 Plaintiff,
 19 v.
 20 VIJAY KARANI, an individual; MOBILE
 TERRACE, INC., a California corporation;
 21 GNANENTHIRAN JAYANTHAN, an individual,
 22 Defendants.
 23 _____
 GNANENTHIRAN JAYANTHAN, an individual,
 Counter-Claimant,
 24
 25 v.
 26 AUTOOPT NETWORKS, INC., a California
 corporation
 27 Counter-Defendant.

Case No. 4:17-cv-04714-HSG
**STIPULATION AND ~~PROPOSED~~
 ORDER DISMISSING CASE**

Complaint Filed: 8/15/17
 Counterclaim Filed: 9/25/17

STIPULATION

1
2 Plaintiff and Counter-Defendant AUTOOPT NETWORKS, INC. (“Autoopt”) and
3 Defendant and Counter-Claimant, GNANENTHIRAN JAYANTHAN (“Jayanthan”), an
4 individual, by and through their undersigned counsel, agree and stipulate to the following;

- 5 1. Autoopt’s First Amended Complaint was dismissed with prejudice by the Court
6 previously pursuant to stipulation of the parties as authorized by Rule 41(a)(1)(A)(ii) of
7 the Federal Rules of Civil Procedure.
8 2. Jayanthan’s counterclaim asserts compulsory counter claims that are subject to the
9 court’s supplemental jurisdiction.
10 3. The parties jointly agree that the court should decline to continue to exercise
11 supplemental jurisdiction over the counterclaim pursuant to 28 USCA section
12 1367(c)(3) and, instead, order the counterclaim dismissed without prejudice so it can
13 be re-filed in the Superior Court of California.
14 4. The parties acknowledge, stipulate and agree that all statutes of limitation applicable to
15 Jayanthan’s counterclaims under California law have been tolled during the pendency
16 of his counterclaim in this court, and will continue to be tolled for a period of 30 days
17 after the dismissal of the counterclaim, pursuant to 28 USCA section 1367(d).

18
19 Dated: December 6, 2018

Law Offices of Paul J. Steiner

/s/ Paul J. Steiner

20 By: _____
21

Paul J. Steiner
Attorneys for Plaintiff and Counter-Defendant
AUTOOPT NETWORKS, INC.

22
23 Dated: December 6, 2018

Law Offices of Bob Camors

/s/ Robert E. Camors, Jr.

24
25 By: _____
26

Robert E. Camors, Jr.
Attorneys for Defendant and Counter-Claimant
GNANENTHIRAN JAYANTHAN

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that the concurrence in the filing of this document has been obtained from each of the other signatories, which shall serve in lieu of their signatures on this document.

Dated: December 8, 2018

/s/ Robert E. Camors, Jr.

Robert E. Camors, Jr.
Attorneys for Defendant and Counter-
Claimant GNANENTHIRAN JAYANTHAN

ORDER

Autoopt’s First Amended Complaint has been dismissed with prejudice by stipulation of the parties as authorized by Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. As to Jayanthan’s counterclaim, based on the stipulation of the parties and finding good cause for the actions jointly requested therein,

IT IS HEREBY ORDERED that:

1. Although Jayanthan’s counterclaim asserts compulsory counter claims that are subject to the court’s supplemental jurisdiction, the court declines to continue to exercise supplemental jurisdiction over the counterclaim pursuant to 28 USCA section 1367(c)(3) and, instead, the counterclaim is dismissed without prejudice.
2. All statutes of limitation applicable to Jayanthan’s counterclaim under California law have been tolled during the pendency of the counterclaim, and will continue to be

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tolled for a period of 30 days after this dismissal of the counterclaim, pursuant to 28
USCA section 1367(d).

3. As a result, this case is dismissed in its entirety.

Dated: December 13, 2018



Judge Haywood S. Gilliam, Jr.