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**\*E-FILED - 5/18/11\***

5 Attorney for Plaintiff LICKING ENTERPRISES, INC.

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 8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 LICKING ENTERPRISES, INC. )

) Case No.: 07-00735 RMW

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14 Plaintiff,

vs.

**STIPULATION AND []  
 ORDER DISMISSING ENTIRE ACTION  
 WITH PREJUDICE**

16 CITY OF SAN JOSE, a municipal  
 corporation; SAN JOSE CITY COUNCIL;  
 17 RON GONZALES, CINDY CHAVEZ, PAT  
 18 DANDO, KEN YEAGER, CHUCK REED,  
 FORREST WILLIAMS, LINDA J.  
 19 LEZOTTE, NORA CAMPOS, GEORGE  
 20 SHIRAKAWA, JR., DAVID CORTESE,  
 21 JOHN DIQUISTO, sued in their official  
 capacities,

22 Defendants.  
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25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this  
 26 action, through their respective counsel of record that pursuant to Federal Rule of Civil  
 27 Procedure 41(a)(1), Plaintiff hereby dismisses the entire action against the City of San Jose, the  
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**STIPULATION AND ORDER DISMISSING  
 ENTIRE ACTION WITH PREJUDICE**

*Licking Enterprises, Inc. v. City of San Jose et al.*  
 Case No.: C07-00735 RMW

1 San Jose City Council, and the named individual City of San Jose Defendants, with prejudice,  
2 each party to bear its own fees and costs.

3 IT IS SO STIPULATED.

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5 Dated: May 17, 2011

LAW OFFICE OF JIVAKA CANDAPPA  
/s/ Jivaka Candappa

6 By: \_\_\_\_\_

7 JIVAKA CANDAPPA  
8 Attorney for Plaintiff  
9 Licking Enterprises, Inc.

10 Dated: May 17, 2011

RICHARD DOYLE, City Attorney  
/s/ Clifford Greenberg

11 By: \_\_\_\_\_

12 CLIFFORD GREENBERG  
13 Senior Deputy City Attorney

14 **ORDER**

15 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.

16  
17 Dated: \_\_ 5/18 \_\_\_\_\_, 2011



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19 HON. RONALD M. WHYTE  
20 UNITED STATES SENIOR DISTRICT JUDGE