

1 Edward Vincent King, Jr. (SBN 085726)  
 Alvin B. Lindsay (SBN 220236)  
 2 KING & KELLEHER, LLP  
 20 California Street, 7<sup>th</sup> Floor  
 3 San Francisco, CA 94111  
 Telephone: (415) 781-2888  
 4 Facsimile: (415) 781-3011

5 *Attorneys for Plaintiff*  
 6 *TRENT WEST*

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11 **TRENT WEST,**

Case No.5:07-cv-1812 JF (HRL)

12 **Plaintiff,**

13 **v.**

**STIPULATED DISMISAL WITH  
 PREJUDICE BETWEEN WEST AND  
 BENCHMARK**

14 **JEWELRY INNOVATIONS, INC.,**  
 15 **TOSYALI INTERNATIONAL, INC.**  
 16 **(dba BENCHMARK), NORTHSTAR**  
 17 **DIAMOND, INC. (dba TUNGSTEN**  
 18 **MAGNUM), A JAMAIS DESIGNS,**  
**INC. (dba INFINITY RINGS), and**  
**CROWN RING, INC.,**

19 **Defendants.**

20 **And Related Cross-Actions**

21  
 22 Pursuant to agreements entered into by the parties, Plaintiff and Counterclaim Defendant  
 23 Trent West (“West”) and Defendant and Counterclaimant Tosyali International, Ltd. dba  
 24 Benchmark (“Benchmark”), by and through their undersigned counsel of record, have agreed  
 25 and stipulate, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, to the dismissal,  
 26 with prejudice, of all claims brought by West in his complaint and all claims brought by  
 27 Benchmark. Each party shall bear its own costs and attorneys’ fees.  
 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, West and Benchmark respectfully request that the Court dismiss, with prejudice, the parties' claims in this matter as set forth above.

JONES WALDO HOLBROOK &  
MCDONOUGH

KING & KELLEHER

By: /s/Brett D. Ekins  
Brett D. Ekins

By: /s/Edward Vincent King, Jr.  
Edward Vincent King, Jr.

Attorneys for Defendant Tosyali International,  
Inc. (dba Benchmark)

Attorneys for Plaintiff Trent West

Date: October 29, 2008

Date: October 29, 2008

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

November 5

DATED: October \_\_\_\_, 2008

Hon. Jeremy Fogel  
Judge, U.S. District Court – N.D. Cal.