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12
 13 UNITED STATES DISTRICT COURT
 14 FOR NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 JOSE FELIPE RUIZ; CARLOS AGUILAR
 RIVAS; MARCELINO HERNANDEZ;
 ALEJANDRO AGUILAR; RAMIRO
 17 HERNANDEZ PARRA; SALOMON GOMEZ;
 MAURO HERNANDEZ; HERIBERTO
 18 PAMAZ-LUCAS; ANTONIO HERNANDEZ;
 ANTONIO GONZALES; and ALEJANDRO
 19 GONZALES,

20 Plaintiffs,

21 vs.

22 ARMANDO VARGAS; JAVIER VARGAS;
 NOE VARGAS; EDITH R. SAUNO;

23 Defendants.

24 And Related Cross-Action

Case No.: 08-CV-01804PVT

**STIPULATION AND [XXXXXXXXXXXXXXXXXXXX]
 ORDER TO DISMISS DEFENDANTS NOE
 VARGAS AND JAVIER VARGAS WITH
 PREJUDICE**

1 Plaintiffs JOSE FELIPE RUIZ, CARLOS AGUILAR RIVAS, MARCELINO
2 HERNANDEZ, ALEJANDRO AGUILAR, RAMIRO HERNANDEZ PARRA, SALOMON
3 GOMEZ, MAURO HERNANDEZ, HERIBERTO PAMAZ-LUCAS, ANTONIO
4 HERNANDEZ, ANTONIO GONZALES, and ALEJANDRO GONZALES and Defendants
5 JAVIER VARGAS and NOE VARGAS through Counsel hereby stipulate as follows:

6 1. The above-mentioned parties settled their disputes at a Mandatory Settlement
7 Conference on June 11, 2010 before the Honorable Howard Lloyd. The Plaintiffs and
8 Defendants Noe Vargas, Javier Vargas and Edith Sauno were present at this Mandatory
9 Settlement Conference. However, Defendant Armando Vargas was not present and did not
10 participate in the Mandatory Settlement Conference in light of his filing for bankruptcy
11 protection and the subsequent statutory stay.

12 2. At the Mandatory Settlement Conference, the Plaintiffs and Defendants Noe
13 Vargas and Javier Vargas reached a settlement among themselves, and that settlement includes
14 Plaintiffs dismissing their Second Amended Complaint with prejudice against Defendants Noe
15 Vargas and Javier Vargas.

16 3.. Consequently, IT IS HEREBY STIPULATED, by and between the above-named
17 parties only that the claims and causes of action asserted by Plaintiffs in their Second Amended
18 Complaint against Defendants JAVIER VARGAS and NOE VARGAS in the above-captioned
19 action be and hereby are dismissed with prejudice pursuant to FRCP 41(a)(2).

20 **FOR PLAINTIFFS**

DATED: 7/6/2010

DAL BON & MARGAIN

By: //s// Tomas E. Margain
Tomas E. Margain

21 **FOR DEFENDANTS**
22 **JAVIER VARGAS;**
NOE VARGAS

23 DATED: 7/6/2010

FISHMAN, LARSEN, GOLDRING
& ZEITLER

24 By: //s// Travis R. Stokes
Travis R. Stokes

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ORDER

Pursuant to the above-Stipulation between the above-named parties and for good cause shown, all claims and causes of action asserted by Plaintiffs against Defendants JAVIER VARGAS and NOE VARGAS are hereby dismissed with prejudice.

IT IS SO ORDERED that the Second Amended Complaint be dismissed with prejudice against Defendants Javier Vargas and Noe Vargas.

DATED: July 12, 2010


Hon. Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE