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 8 BP WEST COAST PRODUCTS LLC

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13 Attorneys for Plaintiff and Counter Defendants
 14 OMER KASSA, OMER KASSA d/b/a H&O, INC.,
 and HIRUT KASSA

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 OMER KASSA individually; OMER
 18 KASSA dba H & O, INC., and H & O,
 INC.,

19 Plaintiffs,

20 v.

21 BP WEST COAST PRODUCTS, LLC, dba
 22 ARCO PRODUCTS COMPANY and
 DOES 1 to 50,

23 Defendants.

Case No: C08-02725 RMW (PVTx)

**JOINT STIPULATION RE
 DISMISSAL**

[===== Order Re Dismissal filed
 concurrently herewith.]

Honorable Ronald M. Whyte

24 **AND RELATED COUNTERCLAIM**
 25

1 WHEREAS, Plaintiffs and Counter Defendants Omer Kassa,
2 Omer Kassa d/b/a H&O, Inc. and H&O, Inc. (collectively "Kassa") initiated
3 the above-captioned action against Defendant and Counter Claimant BP
4 West Coast Products LLC ("BPWCP") on or about March 18, 2008 (the
5 "Action");

6 WHEREAS, BPWCP filed a Counter Claim against Omer
7 Kassa, H&O, Inc. and Hirut Kassa on or about October 2, 2008;

8 WHEREAS, the Parties reached a settlement of the Action on
9 March 15, 2010, the terms of which were memorialized in a written
10 settlement agreement (the "Settlement Agreement");

11 NOW THEREFORE, IT IS HEREBY STIPULATED by and
12 between the Parties, through their respective counsel of record, that the
13 Complaint and Counter Claim in the above-caption case be and is hereby
14 dismissed with prejudice pursuant to Federal Rules of Civil Procedure
15 41(a)(1).

16 IT IS FURTHER STIPULATED that each party to this
17 stipulation shall bear its own costs and fees, and shall further waive any
18 claims to costs and fees, including attorneys' fees, as set forth in the
19 Settlement Agreement.

20 IT IS FURTHER STIPULATED that this Court shall retain
21 jurisdiction over the implementation of, and disputes arising out of, the
22 settlement of the Action.

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1 IT IS FURTHER STIPULATED that either party to the Action
2 has the right to enforce the Settlement Agreement and seek equitable relief
3 and damages.

4 IT IS SO STIPULATED.

5 DATED: April 9, 2010

6 KURT OSENBAUGH
7 DEBORAH YOON JONES
8 MacKENZIE BRIGHT HUNT
9 **ALSTON & BIRD LLP**

10 /s/ /s/ Deborah Yoon Jones
11 Deborah Yoon Jones
12 Attorneys for Defendant and Counter Claimant
13 BP WEST COAST PRODUCTS LLC

14 DATED: April 9, 2010

15 VERNON C. GOINS II
16 **TAYLOR, GOINS & STALLWORTH LLP**

17 /s/ /s/ Vernon C. Goins II
18 Vernon C. Goins II
19 Attorneys for Plaintiff and Counter Defendant
20 OMER KASSA, OMER KASSA d/b/a H&O,
21 INC., and H&O, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OMER KASSA individually; OMER
KASSA dba H & O, INC., and H & O,
INC.,

Plaintiffs,

v.

BP WEST COAST PRODUCTS, LLC, dba
ARCO PRODUCTS COMPANY and
DOES 1 to 50,

Defendants.

AND RELATED COUNTERCLAIM

Case No: C08-02725 RMW (PVTx)

**===== ORDER RE
DISMISSAL**

**[Joint Stipulation re: same filed
concurrently herewith.]**

Honorable Ronald M. Whyte

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1 After considering the papers submitted in support of the Joint
2 Stipulation re: Dismissal, and for good cause shown,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as
4 follows:

5 (1) The Complaint and Counter Claim in the above-captioned
6 Action is hereby dismissed with prejudice;

7 (2) Each party to this Action shall bear its own costs and fees, and
8 shall further waive any claims to costs and fees, including attorneys' fees, as
9 set forth in the Settlement Agreement;

10 (3) This Court shall retain jurisdiction over the implementation of,
11 and disputes arising out of, the settlement of this Action; and

12 (4) Either party to the Action has the right to enforce the Settlement
13 Agreement and seek equitable relief and damages.

14 DATED: 4/27, 2010

Ronald M. Whyte

Honorable Ronald M. Whyte
UNITED STATES DISTRICT COURT

18 DATED: April 9, 2010

19 Respectfully submitted,
20 KURT OSENBAUGH
21 DEBORAH YOON JONES
22 MackENZIE BRIGHT HUNT
23 **ALSTON & BIRD LLP**

24 151 /s/ Deborah Yoon Jones
25 _____
26 Deborah Yoon Jones
27 Attorneys for Defendant and Counter Claimant
28 BP WEST COAST PRODUCTS LLC