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DMB ERSB LLC and Cross-Defendants
7 DMB REALCO, LLC, DMB COMMUNITIES,
LLC, and DMB COMMUNITIES II, LLC

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10 DMB ERSB LLC, an Arizona limited liability
11 company,

12 Plaintiff,

13 v.

14 LONGWOOD SAN BENITO LLC, a
California limited liability company,

15 Defendant.

16 and

17 EL RANCHO SAN BENITO LLC, a
Delaware limited liability company,

18 Nominal Defendant.

19 LONGWOOD SAN BENITO LLC, a
20 California limited liability company,

21 Cross-Complainant,

22 v.

23 DMB REALCO, LLC, an Arizona limited
liability company, DMB COMMUNITIES
24 LLC, an Arizona limited liability company,
DMB COMMUNITIES II LLC, an Arizona
25 limited liability company, DMB ERSB LLC,
an Arizona limited liability company, and
DOES 1-50,

26 Cross-Defendants.
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Case No. CV 09-02003 JW

**STIPULATION AND [PROPOSED]
ORDER DISMISSING ALL CLAIMS
WITH PREJUDICE**

STIPULATION

The Parties having executed a settlement agreement resolving all claims in this action, IT IS HEREBY STIPULATED AND AGREED that:

1. Plaintiff and Cross-Defendant DMB ERSB LLC voluntarily dismisses all of its claims with prejudice.
2. Defendant and Cross-Complainant Longwood San Benito LLC voluntarily dismisses all of its claims with prejudice.
3. Each party shall bear its own attorneys' fees and costs.

DATED: August 27, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

I, Brian J. Schmidt, am the ECF User whose ID and password are being used to file this stipulation of dismissal. Pursuant to General Order 45, I hereby attest that Matthew S. Covington has concurred in this filing.

By: /s/ Brian J. Schmidt
Brian J. Schmidt
Attorneys for Plaintiff and Cross-Defendant
DMB ERSB LLC and Cross-Defendants
DMB REALCO, LLC, DMB COMMUNITIES,
LLC, and DMB COMMUNITIES II, LLC

DATED: August 27, 2010

DLA PIPER LLP (US)

By: /s/ Matthew S. Covington
Matthew S. Covington
Attorneys for Defendant and Cross-Complainant
LONGWOOD SAN BENITO LLC

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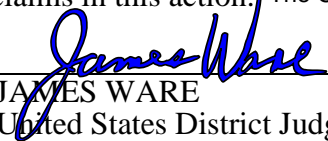
~~PROPOSED~~ ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, IT IS HEREBY

ORDERED that:

1. The claims of Plaintiff and Cross-Defendant DMB ERSB LLC are dismissed with prejudice.
2. The claims of Defendant and Cross-Complainant Longwood San Benito LLC are dismissed with prejudice.
3. Each party shall bear its own attorneys' fees and costs.
4. This order resolves all outstanding claims in this action. The Clerk shall close this file.

Dated: September 2, , 2010



JAMES WARE
United States District Judge