

1 FRANK R. UBHAUS, CA STATE BAR NO. 46085
 BERLINER COHEN
 2 TEN ALMADEN BOULEVARD
 ELEVENTH FLOOR
 3 SAN JOSE, CALIFORNIA 95113-2233
 TELEPHONE: (408) 286-5800
 4 FACSIMILE: (408) 998-5388
 frank.ubhaus@berliner.com

5 ATTORNEYS FOR DEFENDANTS ISABELLA'S AT
 6 WHARFSIDE, INC., TENE SHAKE, FISHERMAN'S WHARF
 COMPANY, LP, CHRIS SHAKE, WHARFSIDE
 7 RESTAURANT, INC., ANTHONY J. PALMA, NATALIE
 PALMA, AND PALMA/WHARFSIDE LTD
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 TIMOTHY CLEVELAND,

13 Plaintiff,

14 v.

15 ISABELLA'S AT WHARFSIDE, INC., dba
 ISABELLA'S RESTAURANT; TENE
 16 SHAKE; CITY OF MONTEREY;
 FISHERMAN'S WHARF COMPANY, LP;
 17 CHRIS SHAKE, individually and dba
 FISHERMAN'S WHARF COMPANY, LP;
 18 WHARFSIDE RESTAURANT, INC.;
 ANTHONY J. PALMA, individually and dba
 19 WHARFSIDE RESTAURANT; NATALIE
 PALMA, individually and dba WHARFSIDE
 20 RESTAURANT; SALVATORE RAPPA,
 individually and dba WHARFSIDE
 21 RESTAURANT; JOSEPHINE RAPPA
 individually and dba WHARFSIDE
 22 RESTAURANT; PALMA/WHARFSIDE,
 LTD. ; and DOES 1-10, inclusive,

23 Defendants.
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CASE NO. C09-2376 RMW (PSG)

STIPULATION AND ORDER
 OF VOLUNTARY DISMISSAL WITH
 PREJUDICE OF DEFENDANTS
 ISABELLA'S AT WHARFSIDE, INC., DBA
 ISABELLA'S RESTAURANT; TENE
 SHAKE; CITY OF MONTEREY;
 FISHERMAN'S WHARF COMPANY, LP;
 CHRIS SHAKE, INDIVIDUALLY AND
 DBA FISHERMAN'S WHARF COMPANY,
 LP; WHARFSIDE RESTAURANT, INC.;
 ANTHONY J. PALMA, INDIVIDUALLY
 AND DBA WHARFSIDE RESTAURANT;
 NATALIE PALMA, INDIVIDUALLY AND
 DBA WHARFSIDE RESTAURANT;
 SALVATORE RAPPA, INDIVIDUALLY
 AND DBA WHARFSIDE RESTAURANT; J.
 PALMA/WHARFSIDE, LTD. BY
 PLAINTIFF TIMOTHY CLEVELAND

25 WHEREAS, on March 14, 2012, the Honorable Ronald M. Whyte ordered attorneys fees and
 26 costs to be awarded to Plaintiff Timothy Cleveland as the prevailing party in the above-entitled
 27 Case No. C09-2376 RMW, and whereas those fees and costs have been paid by Defendants and
 28

1 received by Plaintiff's counsel before May 5, 2012, in full satisfaction of the March 14, 2012
2 Court Order and by agreement of the parties.

3 THEREFORE, IT IS HEREBY STIPULATED pursuant to Rule 41(a)(1)(A)(ii) of the
4 Federal Rules of Civil Procedure, by Plaintiff Timothy Cleveland, Defendants Isabella's at
5 Wharfside, Inc., dba Isabella's Restaurant, Tene Shake,, Fisherman's Wharf Company, LP, Chris
6 Shake, individually and dba Fisherman's Wharf Company, LP; Wharfside Restaurant, Inc.;
7 Anthony J. Palma, individually and dba Wharfside Restaurant; Natalie Palma, individually and
8 dba Wharfside Restaurant; Palma/Wharfside, Ltd.,("The Isabella defendants"), and the City of
9 Monterey that, pursuant to the provisions of Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil
10 Procedure, this action and all claims stated within this action should be dismissed with prejudice.

11 SO STIPULATED:

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13
14 DATED: JUNE 4, 2012

STUBBS & LEONE

15 BY: /S/ CLAUDIA LEED
16 CLAUDIA LEED
17 ATTORNEYS FOR DEFENDANT THE CITY OF
18 MONTEREY

19
20
21 DATED: JUNE 4, 2012

BERLINER COHEN

22 BY: /S/ FRANK R. UBHAUS
23 FRANK R. UBHAUS
24 MARY KATHARINE WILSON
25 ATTORNEYS FOR THE ISABELLA
26 DEFENDANTS.

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LAW OFFICE OF PAUL L. REIN

DATED: MAY 16, 2012

BY: /s/ PAUL L. REIN
PAUL L REIN
CELIA MCGUINNESS
CATHERINE M. CABALO
ATTORNEYS FOR PLAINTIFF
TIMOTHY CLEVELAND

IT IS SO ORDERED

Dated: _____



RONALD M. WHYTE, UNITED STATES DISTRICT
JUDGE FOR THE NORTHERN DISTRICT OF
CALIFORNIA