

THOMAS N. STEWART, III - #88128  
ATTORNEY AT LAW  
369 BLUE OAK LANE, 2<sup>nd</sup> FLOOR  
CLAYTON, CA 94517  
TELEPHONE (925) 672-8452  
TELEFAX (925) 673-1729  
Attorneys for Rick Futia

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Case No. CV 10-1034 JF HRL

Plaintiff,

STIPULATION OF DISMISSAL; ORDER

v.

DWAYNE DOWNING and  
LINDA DOWNING, as Trustees, and  
HAZEL MALMIN and HAZEL  
E. MALMIN, as Trustees,

Defendants.

\_\_\_\_\_ /

The parties hereto stipulate as follows:

The parties have reached a full and final settlement of all issues in this action. A Settlement Agreement between the parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The parties shall comply with their Settlement Agreement, a copy of which is incorporated by reference as if fully set forth. The parties request the Court to retain jurisdiction for 18 months from the

date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for 18 months after the date hereof.

Date: July 3, 2010

Date: July 3, 2010

S/Jeffrey H. Lowenthal  
Attorney for Defendant

S/Thomas N. Stewart, III  
Attorney for Plaintiff

IT IS SO ORDERED:

Date: 7/6/10

  
\_\_\_\_\_  
Judge/Magistrate Jeremy Fogel  
United States District Judge