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 11 THE CITY OF WATSONVILLE

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT COURT OF CALIFORNIA

15  
 16 MARK HEIM,  
 Plaintiff,  
 17 v.  
 18 THE ESTATE OF DONALD T. HEIM, MAXINE  
 HEIM, and CITY OF WATSONVILLE,  
 19 Defendants.

Case No. CV-10-03816 EJD

**THE CITY OF WATSONVILLE'S  
 REQUEST FOR VOLUNTARY  
 DISMISSAL WITH PREJUDICE OF  
 THIRD-PARTY COMPLAINT  
 AGAINST WILLIAM BURGSTROM  
 AND PROJECT ONE LP**

20 CITY OF WATSONVILLE,  
 21 Third-Party Plaintiff,  
 22 v.  
 23 WILLIAM BURGSTROM; THE ESTATE OF  
 ERNIE WEBB, PROJECT ONE, a limited  
 24 partnership; and ROES 1-20, Inclusive  
 25 Third-Party Defendants.

~~PROPOSED~~ ORDER  
 [FRCP 41(a)(2)]

26 AND RELATED COUNTERCLAIMS AND  
 CROSSCLAIMS

1 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Third-Party Plaintiff  
2 City of Watsonville (“the City” or “Third-Party Plaintiff”) hereby requests the dismissal with  
3 prejudice of William Burgstrom and Project One Limited Partnership only from the City’s Third  
4 Party Complaint against Project One Limited Partnership, William Burgstrom, and the Estate of  
5 Ernie Webb.

6  
7 Dated: January 19, 2012

WACTOR & WICK LLP

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9 By:           /s/ Anna L. Nguyen            
10 ANNA L. NGUYEN  
11 Attorneys for Third-Party Plaintiff  
12 THE CITY OF WATSONVILLE

13 ~~PROPOSED~~ ORDER

14 IT IS HEREBY ORDERED that:

15 William Burgstrom and Project One, Limited Partnership are dismissed with prejudice  
16 from The City of Watsonville’s Third-Party Complaint against Project One Limited Partnership,  
17 William Burgstrom, and the Estate of Ernie Webb pursuant to Federal Rule of Civil Procedure  
18 41(a)(2).

19 IT IS SO ORDERED.

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22 Date: January 25, 2012

  
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23 HONORABLE EDWARD J. DAVILA  
24 United States District Judge  
25 Northern District of California