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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PRESS RENTALS, INC.,

Plaintiff,

v.

GENESIS FLUID SOLUTIONS, LTD. and
MICHAEL K. HODGES,,

Defendants and Third-Party
Plaintiffs,

v.

BLUE EARTH, INC., et al.,

Third-Party Defendants.

Case No. CV 11 2579 EJD

**STIPULATED DISMISSAL OF
AMENDED THIRD-PARTY
COMPLAINT AGAINST THIRD-PARTY
DEFENDANT BLUE EARTH, INC.**

Third-Party Defendant Blue Earth, Inc. (“Blue Earth”), by and through their attorneys of record, and Third Party Plaintiffs Genesis Fluid Solutions, Ltd. and Michael K. Hodges (“Third-Party Plaintiffs”), on the other, have reached a settlement of the above-captioned matter and have agreed to dismiss the claims, counterclaims, and causes of action between them.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Third-Party Plaintiffs stipulate to the dismissal with prejudice of all claims and causes of action asserted in this case against defendant Blue Earth, and defendants Blue Earth stipulates to the dismissal with prejudice of all counterclaims and defenses asserted in this case against Third-Party Plaintiffs. The parties shall bear their own attorneys’ fees, expenses and costs.

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**[PROPOSED] ORDER
OF DISMISSAL WITH
PREJUDICE OF AMENDED THIRD-
PARTY COMPLAINT AGAINST
THIRD-PARTY DEFENDANT BLUE
EARTH, INC.**

Pursuant to Fed. R. Civ. P. 41(a), recognizing the Stipulated Dismissal of Amended Third-Party Complaint Against Third-Party Defendant Blue Earth, Inc., filed by Third Party Plaintiffs Genesis Fluid Solutions, Ltd. and Michael K. Hodges (“Third-Party Plaintiffs”) and Third-Party Defendant Blue Earth, Inc. (“Blue Earth”) pursuant to a settlement of the above-captioned litigation between the parties, it is ordered as follows:

ORDERED that the claims asserted herein by Third-Party Plaintiffs against defendant Blue Earth be, and hereby are, dismissed with prejudice; and

ORDERED that the parties shall bear their own attorneys’ fees, expenses and costs.

Dated: 12/11/2012



Hon. Edward J. Davila
United States District Judge