

(SPACE BELOW FOR FILING STAMP ONLY)

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

13 Franklin S. Cibula Corporation, Mark H.)	CASE NO: CV 11 5383 LHK
14 Cibula as Executor of the Estate of Franklin S.)	
14 Cibula,)	ORDER TO DISMISS
15 Cross-Complainants)	CROSS- COMPLAINT
16 United States Department of Treasury,)	AS TO CROSS-DEFENDANT
17 Internal Revenue Service, and Sherman)	SHERMAN M. UNELL,
18 M. Unell, Trustee of the Sherman M. Unell)	Trustee of the Sherman M. Unell
18 Declaration of Trust Dated 2/14/1986, and)	Declaration of Trust, dated 2/14/1986
19 ROES 1 to 50,)	(Fed R Civ Proc 41(a)(1)(A)(ii))
20 Cross-Defendants.)	JUDGE: LUCY H. KOH
_____)	

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 22 For good cause shown as set forth in the Stipulation of Voluntary Dismissal Pursuant of
 23 F.R.C.P. 41(a)(1)(A)(ii) filed herein, the Court hereby accepts the stipulation of the parties hereto
 24 and, therefore, the court orders that:

- 25 1. This Cross-Complaint is dismissed without prejudice as to the cross-defendant,
 26 Sherman M. Unell, Trustee of the Sherman M. Unell Declaration of Trust Dated
 27 2/14/1986, and
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2. The hearing set for July 26, 2012 at 1:30 p.m. with regard to Cross-Defendant, Sherman M. Unell's, Motion to Dismiss Cross-Complaint as to Cross-Defendant, Sherman M. Unell, Trustee of the Sherman M. Unell Declaration of Trust, dated 2/14/1986, shall be taken off calendar.

Dated: April 18, 2012


Honorable Lucy H. Koh