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

11 FRANKLIN S. CIBULA CORPORATION,)
 MARK H. CIBULA as Executor of the)
 12 Estate of Franklin S. Cibula,)

Case No. 11-CV-05383-LHK

13 Plaintiffs

**STIPULATION FOR DISMISSAL AND
~~PROPOSED~~ ORDER OF DISMISSAL**

14 v.

15 UNITED STATES DEPARTMENT OF)
 TREASURY, INTERNAL REVENUE)
 16 SERVICE, SHERMAN M. UNELL,)
 Trustee of the Sherman M. Unell)
 17 Declaration of Trust dated 2/14/1986, and)
 ROES 1 to 50.)

18 Defendants.
 19

20 IT IS HEREBY STIPULATED AND AGREED AND RESPECTFULLY REQUESTED
 21 by and between the Plaintiff, Franklin S. Cibula Corp. and Mark H. Cibula, Executor, and
 22 Defendants, United States Department of Treasury, IRS, and the real party in interest, United
 23 States of America, as reflected by the signatures of their respective counsel as set forth below:

- 24 1. That the parties have entered into a settlement which resolves this case in its entirety.
 25 2. That the parties request a period of ninety days to consummate all settlement terms,
 26 which includes the sale of properties and a payment from those sales.
 27 3. That this action, be dismissed with prejudice, provided however, that if either party
 28 notifies this Court on or before ninety-days from entry of an Order of Dismissal of this case,

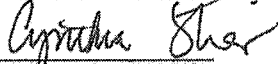
1 that the settlement has not been consummated, then this order shall stand vacated and this case
2 shall forthwith be restored to the calender and a case management conference scheduled.


3 4. That the Court retain jurisdiction over this matter for the purpose of enforcing the
4 terms of the settlement, including entry of judgment, if necessary. See Kokonon v. Guardian Life
5 Ins. of America, 511 U.S. 375 (1994).

6 5. The parties agree to bear their respective costs, including any possible attorneys' fees
7 or other expenses of this litigation.

8 IT IS SO STIPULATED:
9

10 MELINDA HAAG
11 United States Attorney

12 
13 CYNTHIA STIER
14 Assistant U.S. Attorney
15 Attorneys for the United States of America
16 Tax Division

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18 KENT W. MEYER
19 Attorney at Law
20 10 Chip Shot Ct.
21 Roseville, CA 95678
22 Attorney for Franklin S. Cibula &
23 Mark Cibula

24 **ORDER**

25 Upon the stipulation of Plaintiff, Franklin S. Cibula Corp. and Mark H. Cibula, Executor,
26 and Defendants, United States Department of Treasury, IRS, and the real party in interest, United
27 States of America, and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, it is
28 **HEREBY ORDERED, ADJUDGED and DECREED** that this action is hereby dismissed with
prejudice, provided however, that if either party notifies this Court on or before September 24,
2012, that the settlement has not been consummated, then this order shall stand vacated and this
case shall forthwith be restored to the calender and a case management conference scheduled.

Franklin S. Cibula, et al, v. United States Dept.
of Treasury, et al., US, Case No. 11-5383-LHK
Stip. Of Dismissal and ~~proposed~~ Order

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IT IS FURTHER ORDERED that this Court retains jurisdiction over this matter for the purpose of enforcing the terms of the settlement, including entry of judgment, if necessary. See Kokonen v. Guardian Life Ins. of America, 511 U.S. 375 (1994). The Clerk shall close the file.

ORDERED this 25 day of June, 2012, at San Jose, California.

Lucy H. Koh
HONORABLE LUCY H. KOH
United States District Judge