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9 Attorneys for Defendant and Cross-Claimant
 10 Moyer Products, Inc.

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 MAXIM I PROPERTIES, a general
 14 partnership,

15 Plaintiff,

16 vs.

17 A.M. BUD KROHN, ET AL,

18 Defendants.

19 Case No. **5: 12-CV-00449 LHK**

20 **STIPULATION AND PROPOSED ORDER**
 21 **OF VOLUNTARY DISMISSAL WITHOUT**
 22 **PREJUDICE OF MC&L, INC., BURKE**
 23 **INDUSTRIES, INC. AND GREYHOUND**
 24 **LINES, INC.**

25 AND RELATED CROSS-ACTIONS.

26 **Action Filed: January 27, 2012**
 27 **Trial Date: February 18, 2014**

28 Cross-Defendant MC&L, Inc., formerly known as and sued herein as Madera Cleaners & Laundry, Inc., has filed a motion for dismissal under Federal Rule of Civil Procedure 12, and Cross-Defendants Burke Industries, Inc. and Greyhound Lines, Inc. have filed joinders to MC&L, Inc.'s motion for dismissal. Defendant and Cross-Claimant Moyer Products, Inc. has chosen not to litigate the issues raised by MC&L, Inc.'s motion.

THEREFORE, IT IS HEREBY STIPULATED THAT, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Defendant and Cross-Claimant Moyer Products, Inc.

STIPULATION AND PROPOSED ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF MC&L, INC., BURKE INDUSTRIES, INC., AND GREYHOUD LINES, INC. - Case No.: 5: 12-CV-00449 LHK

1 voluntarily dismisses all claims without prejudice brought in this action against Cross-
2 Defendants MC&L, Inc., formerly known as and sued herein as Madera Cleaners & Laundry,
3 Inc., Burke Industries, Inc. and Greyhound Lines, Inc. MC&L, Inc.'s pending motion, set for
4 hearing on January 31, 2013, is moot and shall be removed from the Court's calendar.
5

6 DATED: October 19, 2012

GOLDSBERRY, FREEMAN & GUZMAN LLP

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8
9 By: /s/ Francis M. Goldsberry III
Francis M. Goldsberry III
10 Attorneys for Defendant and Cross-
11 Claimant
MOYER PRODUCTS, INC.

12 DATED: October 19, 2012

DOWLING AARON INCORPORATED

13
14 By: /s/ Daniel Oliver Jamison
DANIEL OLIVER JAMISON
15 Attorneys for Cross-Defendant
16 MC&L, Inc., formerly known and sued as
17 Madera Cleaners & Laundry, Inc.

18 DATED: October 19, 2012

CROWELL & MORING LLP

19
20
21 By: /s/ M. Kay Martin
M. KAY MARTIN
22 THOMAS F. KOEGEL
23 Attorneys for Cross-Defendant
Greyhound Lines, Inc.

24 DATED: October 19, 2012

DUANE MORRIS LLP

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27 By: /s/ Jess Raymond Booth
JESS RAYMOND BOOTH
28 Attorneys for Cross-Defendant
Burke Industries, Inc.

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IT IS SO ORDERED:

DATED: October 22, 2012

By: 
Honorable Lucy H. Koh