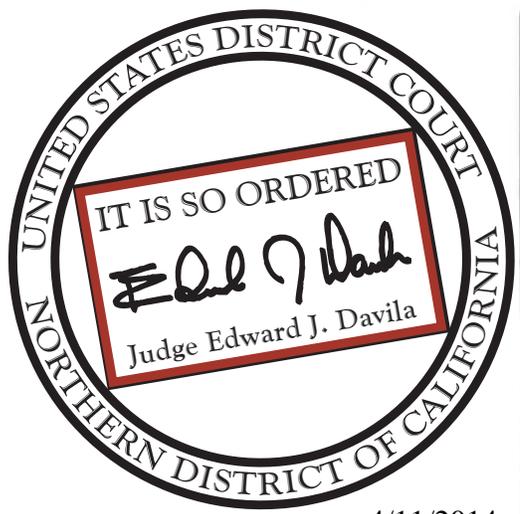


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 4 44 Montgomery Street, Suite 850
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5 Attorneys for Fred Hjelmeset,
 6 Bankruptcy Trustee of the Estates of
 Plaintiffs Danielle Frankina and Thomas Frankina



4/11/2014

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11
 12 DANIELLE FRANKINA and THOMAS
 13 FRANKINA, and MOONDANCE, INC.,
 14 Plaintiffs,
 15 v.
 16 BIG O TIRES, INC., BIG O TIRES, LLC,
 17 and DOES 1-25,
 18 Defendants.

Case No. 5:13-cv-03186-EJD
 Judge Edward J. Davila

**STIPULATION OF VOLUNTARY
 DISMISSAL BY PLAINTIFFS DANIELLE
 FRANKINA AND THOMAS FRANKINA**

19
 20 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Danielle Frankina
 21 and Thomas Frankina (“the Frankinas”), by and through counsel for Fred Hjelmeset, Bankruptcy
 22 Trustee of the estate of Danielle Frankina and Thomas Frankina (the “Frankina Trustee”), hereby
 23 stipulate to the dismissal, **with prejudice**, of any and all of the Frankinas’ claims and causes of
 24 action that were or could have been asserted against Defendants Big O Tires, LLC and Big O
 25 Tires, Inc., the predecessor in interest of Big O Tires, LLC (“Big O”). Each party shall pay its
 26 own costs and attorneys’ fees, and the Frankina Trustee will bear the court costs.

The Clerk shall close this file.

1 I, Daniel M. Linchey, hereby attest that counsel for Mohamed Poonja, Bankruptcy Trustee
2 of the Estate of Plaintiff Moondance, Inc., and counsel for Big O, stipulated to the foregoing by
3 email. As required by Civil L.R. 5-1(i)(3), I will maintain records to support this concurrence for
4 subsequent production or inspection until one year after the final resolution of this action.
5
6

7 Dated: March --, 2014

GOLDBERG, STINNETT, DAVIS & LINCHEY
A PROFESSIONAL CORPORATION

8
9 By: /s/Daniel M. Linchey
Daniel M. Linchey

10 Attorneys for Fred Hjelmeset, Bankruptcy Trustee
11 of the Estates of Plaintiffs Danielle Frankina and
12 Thomas Frankina

13 Dated: ^{APRIL 8} March --, 2014

MCKENNA LONG & ALDRIDGE LLP

14
15 By: /s/Diana Herman *Diana O'Hern*
Diana Herman

16 Attorneys for Mohamed Poonja, Bankruptcy Trustee
17 of the Estate of Plaintiff Moondance, Inc.

18
19 Dated: March --, 2014

BAKER & HOSTETLER LLP

20
21 By: /s/Rodger L. Eckelberry
Rodger L. Eckelberry

22 Attorneys for Defendant
23 BIG O TIRES, LLC
24
25
26
27
28

1 I, Daniel M. Linchey, hereby attest that counsel for Mohamed Poonja, Bankruptcy Trustee
2 of the Estate of Plaintiff Moondance, Inc., and counsel for Big O, stipulated to the foregoing by
3 email. As required by Civil L.R. 5-1(i)(3), I will maintain records to support this concurrence for
4 subsequent production or inspection until one year after the final resolution of this action.

5
6
7 Dated: ~~March~~ ^{April 10,} --, 2014

GOLDBERG, STINNETT, DAVIS & LINCHEY
A PROFESSIONAL CORPORATION

8
9 By: *Daniel M. Linchey*
Daniel M. Linchey

10 Attorneys for Fred Hjelmeset, Bankruptcy Trustee
11 of the Estates of Plaintiffs Danielle Frankina and
12 Thomas Frankina

13 Dated: March --, 2014

MCKENNA LONG & ALDRIDGE LLP

14
15 By: /s/Diana Herman
Diana Herman

16 Attorneys for Mohamed Poonja, Bankruptcy Trustee
17 of the Estate of Plaintiff Moondance, Inc.

18
19 Dated: March ²⁶ --, 2014

BAKER & HOSTETLER LLP

20
21 By: *Rodger L. Eckelberry*
Rodger L. Eckelberry

22 *Trischa Snyder Chapman*
Attorneys for Defendant
23 BIG O TIRES, LLC