

1 **Thomas P. Riley, SBN 194706**
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
3 **First Library Square**
4 **1114 Fremont Avenue**
5 **South Pasadena, CA 91030-3227**

6 **Tel: 626-799-9797**
7 **Fax: 626-799-9795**
8 **TPRLAW@att.net**

9 **Attorneys for Plaintiff**
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEBRASKA**

13 **Garden City Boxing Club, Inc.,**

14 **Plaintiff,**

15 **vs.**

16 **Antonio Cortez, et al.**

17 **Defendants.**

18 **CASE NO. CV 07-0360 JFB-TDT**

19 **THIRD AMENDED STIPULATION**
20 **OF DISMISSAL OF PLAINTIFF'S**
21 **COMPLAINT AGAINST**
22 **DEFENDANTS ANTONIO CORTEZ**
23 **AND ZOILA CORTEZ, individually**
24 **and GUADALAJARA RESTAURANT,**
25 **INC., d/b/a GUADALAJARA**
26 **RESTAURANT & SPORTS BAR**

27 **IT IS HEREBY STIPULATED** by and between Plaintiff GARDEN CITY
28 BOXING CLUB, INC. and Defendant ANTONIO CORTEZ AND ZOILA CORTEZ,
individually and Guadalajara Restaurant, Inc., d/b/a Guadalajara Restaurant & Sports
Bar, that the above-entitled action is hereby dismissed **without prejudice** against
ANTONIO CORTEZ AND ZOILA CORTEZ, individually and d/b/a Guadalajara
Restaurant, Inc., d/b/a Guadalajara Restaurant & Sports Bar and subject to the Court's
jurisdiction to enforce the settlement agreement reached between the Parties.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER STIPULATED that provided no Party referenced above has filed a motion to reopen this action by January 1, 2009, this Court shall *not* have jurisdiction to set aside the dismissal and the dismissal shall be deemed to be **with prejudice**.

This dismissal is made pursuant to Federal Rules of Civil Procedure 41(a)(1). Each Party referenced-above shall bear its own attorneys' fees and costs.

Dated: September 3, 2008 s/ Thomas P. Riley
LAW OFFICES OF THOMAS P. RILEY, P.C.
By: Thomas P. Riley
Attorneys for Plaintiff
GARDEN CITY BOXING CLUB, INC.

Dated: s/ Eric R. Chandler
ERIC R. CHANDLER, ATTORNEY-AT-LAW
By: Eric R. Chandler
Attorneys for Defendants
ANTONIO CORTEZ AND ZOILA CORTEZ,
individually and d/b/a Guadalajara Restaurant, Inc.,
d/b/a Guadalajara Restaurant & Sports Bar

IT IS SO ORDERED:

s/ Joseph F. Bataillon Dated: September 4, 2008
The Honorable Joseph F. Bataillon
United States District Court
District of Nebraska

PROOF OF SERVICE (SERVICE BY MAIL)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On September 3, 2008, I served:

THIRD AMENDED STIPULATION OF DISMISSAL OF PLAINTIFF'S COMPLAINT AGAINST DEFENDANTS ANTONIO CORTEZ AND ZOILA CORTEZ, individually and d/b/a GUADALAJARA RESTAURANT, INC., d/b/a GUADALAJARA RESTAURANT & SPORTS BAR

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Mr. Eric Chandler, Esquire	Attorneys for Defendants
Eric Chandler, Attorney-at-Law	Antonio Cortez and Zoila Cortez,
406 N. 130 th Street, Ste. 101	individually, and Guadalajara Restaurant,
Omaha, NE 68154	Inc., d/b/a Guadalajara Restaurant &
	Sports Bar

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on September 3, 2008, at South Pasadena, California.

Dated: September 3, 2008 s/ Andrea Chavez
ANDREA CHAVEZ