

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CHETCO RIVER RESORT, LLC, )  
an Oregon limited liability company; )  
WHITE ROCK RESORT, LLC, a )  
California limited liability company; )  
and RV RENTAL SERVICES, INC., )  
a California corporation, )

Case No. CV 09-3064-PA

Plaintiffs, )

**ORDER**

v. )

KEN PODESTA-DANIELS, LAURIE )  
PODESTA-DANIELS, and STACEY )  
MILLER, )

Defendants. )

The Court heard the arguments in connection with Plaintiffs' motion to dismiss the action without prejudice by telephone on November 23, 2009. Defendants stipulated that the matter could be dismissed without prejudice but with costs and attorneys fees to the defendants.

Plaintiffs filed this action knowing of the existence of the state court litigation involving the same matter in California and now contend they have limited assets to litigate both cases.

The Court grants the plaintiffs' motion to dismiss without prejudice [# 26 ] but with costs

and attorneys fees to defendants. Defendant is cautioned not to include any attorney fees expenses connected with this case that might be helpful to defendant in the California case.

DATED this 30 day of November, 2009.

A handwritten signature in black ink, appearing to read "Owen M. Panner". The signature is written in a cursive style with a large initial "O".

OWEN M. PANNER  
U.S. District Judge