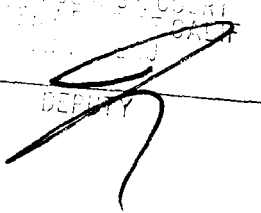



FILED
2004 APR 07 10 28 AM
U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY

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APR 07 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO

CENTRAL VALLEY CHRYSLER-)
PLYMOUTH, INC., DAIMLERCHRYSLER)
CORP., FRONTIER DODGE, INC., GENERAL)
MOTORS CORP., HALLOWELL)
CHEVROLET COMPANY, INC., KELLER)
MOTORS, INC., KITAHARA PONTIAC-)
GMC-BUICK, INC., SURROZ MOTORS, INC.,)
and TOM FIELDS MOTORS, INC.,)

Case No. CIV F-02-05017 REC SMS

**STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE AND ORDER
THEREON**

Honorable Robert E. Coyle

Plaintiffs,)

vs.)

CATHERINE WITHERSPOON, in her official)
capacity as Executive Officer of the California)
Air Resources Board,)

Defendant.)

Plaintiffs CENTRAL VALLEY CHRYSLER-PLYMOUTH, INC., DAIMLERCHRYSLER
CORP., FRONTIER DODGE, INC., GENERAL MOTORS CORP., HALLOWELL CHEVROLET
COMPANY, INC., KELLER MOTORS, INC., KITAHARA PONTIAC-GMC-BUICK, INC.,
SURROZ MOTORS, INC., and TOM FIELDS MOTORS, INC., by and through their attorney,
Timothy Jones; and Defendant, CATHERINE WITHERSPOON, in her official capacity as Executive

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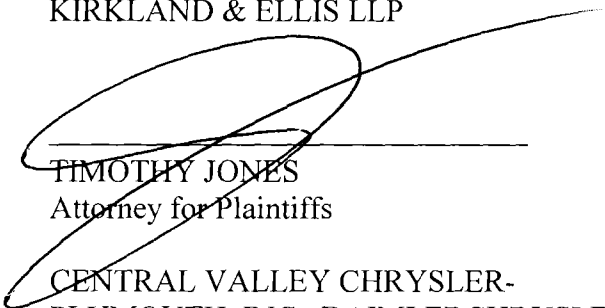
1 Officer of the California Air Resources Board, by and through her attorneys, Anita E. Ruud and Gavin
2 G. McCabe; hereby stipulate and agree, pursuant to Paragraph 10 of the Parties' Agreement attached
3 hereto as Exhibit 1, to dismissal of this lawsuit, without prejudice, and for each party to bear its own
4 costs and attorneys' fees.

5 IT IS HEREBY STIPULATED, that the above-captioned action, be and hereby is dismissed,
6 without prejudice, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1), and each party shall
7 bear its own costs and attorneys' fees.

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9 SAGASER, FRANSON & JONES
KIRKLAND & ELLIS LLP

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11 DATED: March 30, 2004

12 By:

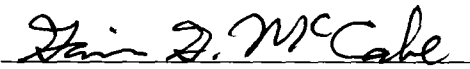

13 TIMOTHY JONES
Attorney for Plaintiffs

14 CENTRAL VALLEY CHRYSLER-
15 PLYMOUTH, INC., DAIMLERCHRYSLER
16 CORP., FRONTIER DODGE, INC., GENERAL
17 MOTORS CORP., HALLOWELL CHEVROLET
18 COMPANY, INC., KELLER MOTORS, INC.,
19 KITAHARA PONTIAC-GMC-BUICK, INC.,
20 SURROZ MOTORS, INC., AND TOM FIELDS
21 MOTORS, INC.

22 DEPUTY ATTORNEY GENERAL OF THE
23 STATE OF CALIFORNIA

24 DATED: March 31, 2004

25 By:


26 ANITA E. RUUD
27 GAVIN G. McCABE
28 Attorneys for Defendant

CATHERINE WITHERSPOON, in her official
capacity as Executive Officer of the California Air
Resources Board

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ORDER

Based upon the above Stipulation, IT IS HEREBY ORDERED that this action is dismissed without prejudice. Each party shall bear its own costs and attorneys' fees.

DATED: March 8, 2004


THE HONORABLE ROBERT E. COYLE,
JUDGE, UNITED STATES DISTRICT COURT

PROOF OF SERVICE

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My business address is 2445 Capitol Street, Post Office Box 1632, Fresno, California 93717-1632. I am employed in Fresno County, California. I am over the age of 18 years and am not a party to this case.

On the date indicated below, I served the foregoing document(s) described as ***STIPULATION FOR DMSISSAL WTHOUT PREJUDICE AND ORDDER THEREON*** on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

 X (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing, and that correspondence, with postage thereon fully prepaid, will be deposited with the United States Postal Service on the date noted below in the ordinary course of business, at Fresno, California.

 (BY PERSONAL SERVICE) I caused such envelopes to be delivered by hand to the office(s) of the addressee(s).

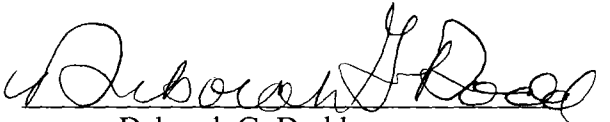
 (BY FACSIMILE) I caused the above-referenced document to be delivered by facsimile to the facsimile number(s) of the addressee(s).

 (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

EXECUTED ON April 7, 2005, at Fresno, California.

 (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 XX (FEDERAL) I declare that I am employed in this office of a member of the bar of this court at whose direction this service was made.


Deborah G. Dodd

1 Central Valley Chrysler-Plymouth, et al v CARB, et al. - Service List

2 Anita E. Ruud, Esq.

3 Gavin G. McCabe, Esq.

4 Deputy Attorneys General

4 455 Golden Gate Ave., Suite 11000

5 San Francisco, California 94102-3664

5 Telephone: (415) 703-5605

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Mary Hackenbracht, Esq.

Senior Assistant Attorney General

1515 Clay St., 20th Floor

Oakland, California 94612-0550

Telephone: (510) 622-2140

Facsimile: (510) 622-2270

United States District Court
for the
Eastern District of California
April 9, 2004

* * CERTIFICATE OF SERVICE * *

1:02-cv-05017

Central

v.

California Air

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on April 9, 2004, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

REC SMS

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Sagaser Franson and Jones
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Raymond B Ludwiszewski
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Jack L. Wagner, Clerk

BY: 
Deputy Clerk