

KAYE SCHOLER LLP

1 Robert Barnes, Bar Number 119515  
2 KAYE SCHOLER LLP  
3 1999 Avenue of the Stars, Suite 1700  
4 Los Angeles, California 90067  
5 Telephone: (310) 788-1000  
6 Facsimile: (310) 788-1200

7 Thomas A. Smart (Not admitted in California)  
8 KAYE SCHOLER LLP  
9 425 Park Avenue  
10 New York, New York 10022  
11 Telephone: (212) 836-8000  
12 Fax: (212) 836-7158

13 Attorneys for Plaintiff  
14 RICHARD SCHWARTZ

15  
16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

19 **RICHARD SCHWARTZ,**

20 Plaintiff,

21 v.

22 **BERKELEY HISTORICAL SOCIETY,**

23 Defendant.

No. C05-01551 JCS

STIPULATION OF DISMISSAL WITH  
PREJUDICE AND ~~PROPOSED~~  
ORDER

Date: September 9, 2005  
Time: 1:30 p.m.  
Courtroom: Courtroom A, 15<sup>th</sup> Floor  
Judge: Honorable Joseph C. Spero

24 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their  
25 respective counsel, that this matter be, and hereby is, dismissed with prejudice, each party to

26 //

27 //

28 //

bear its own costs and attorneys' fees.

Dated: August 5, 2005.

KAYE SCHOLER LLP

HOWARD RICE NEMEROVSKI  
CANADY FALK & RABKINEL

By:                   /s/                    
Thomas A. Smart

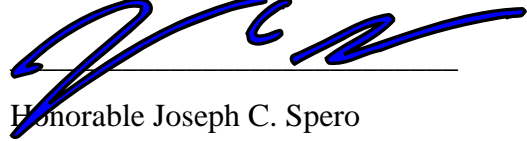
By:                   /s/                    
Shannon Scott

Attorneys for Plaintiff  
RICHARD SCHWARTZ

Attorneys for Defendant  
BERKELEY HISTORICAL SOCIETY

Dated:    Aug. 9, 2005

SO ORDERED:

  
\_\_\_\_\_  
Honorable Joseph C. Spero

KAYE SCHOLER LLP

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

KAYE SCHOLER LLP

1 I, Thomas A. Smart, hereby attest, pursuant to N.D. General Order No. 45, that the concurrence to  
2 the filing of this document has been obtained from the other signatory hereto.

3  
4 Dated: August 5, 2005.

5  
6 \_\_\_\_\_ /s/  
Thomas A. Smart

7 Attorney for Plaintiff RICHARD SCHWARTZ  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28