

1 of Shantilal Jamnadas (“Jamnadas”) respectfully request that this Court enter an order dismissing
2 with prejudice the third-party claims asserted against Street by the Lyons/Tondas and by Jamnadas.

3 In support of this request, the parties hereto would show the following:

4 1. The Lyons/Tondas’ operative third-party complaint (Doc. 279, filed May 29, 2008)
5 asserts third-party claims against Street (among other parties).

6 2. Jamnadas’ operative third-party complaint (Doc. 236, filed Mar. 26, 2008) likewise
7 asserts third-party claims against Street (among other parties).

8 3. Street has filed a motion for summary judgment with respect to the aforementioned
9 third-party claims (Doc. 374, filed July 17, 2009), which motion is set for hearing on October 27,
10 2009, at 8:30 a.m.

11 4. The Lyons/Tondas and Jamnadas desire to dismiss with prejudice all of their third-
12 party claims against Street pursuant to Rule 41(a)(2), as made applicable by Rule 41(c). Street has
13 no objection to such voluntary dismissal.

14 5. The parties hereto agree that they will bear their own costs with respect to the afore-
15 mentioned third-party claims.

16 Accordingly, the parties hereto respectfully request that this Court (1) enter an order dis-
17 missing with prejudice the third-party claims asserted against Street by the Lyons/Tondas and by
18 Jamnadas, with all parties to bear their own costs with respect to such claims; and (2) remove from
19 the calendar Street’s pending motion for summary judgment.

20 Dated: September 24, 2009.

21 Respectfully submitted,

22 /s/ Eric Grant

Eric Grant

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25 Counsel for Third-Party Defendant
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ROGERS JOSEPH O'DONNELL

By: /s/ Aaron P. Silberman
(as authorized on this date)

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By: /s/ KEITH D. CHIDLAW
(as authorized on this date)

KEITH D. CHIDLAW

Attorneys for Defendant and Third-Party
Plaintiff RAJENDRA JAMNADAS,
personal representative of the ESTATE
OF SHANTILAL JAMNADAS

IT IS SO ORDERED.

Date: September 29, 2009 /s/ Lawrence J. O'Neill
Hon. Lawrence J. O'Neill
United States District Judge