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10 Attorneys for Plaintiffs, ERNEST EVANS,
THE LAST TWIST, INC., and THE ERNEST
11 EVANS CORPORATION

12
13 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 **SAN FRANCISCO DIVISION**

15 ERNEST EVANS, an individual, THE LAST
16 TWIST INC., a Pennsylvania for Profit
Company and THE ERNEST EVANS
17 CORPORATION, a Pennsylvania for Profit
Company,

18 Plaintiffs,

19 vs.

20
21 HEWLETT-PACKARD COMPANY,
a Delaware for Profit Company, and PALM,
22 INC., a Delaware for Profit Company,

23 Defendants.

Case No.: 13-cv-02477-WHA
Assigned to Judge James Donato

**JOINT STIPULATION FOR DISMISSAL
WITH PREJUDICE**

24
25 Pursuant to Rules 41(a)(1)(A)(ii) and 41 (c)(2)of the Federal Rules of Civil Procedure, and
26 the June 23, 2024 Confidential Settlement Agreement between all Parties, Plaintiffs, ERNEST
27 EVANS, THE LAST TWIST, INC., and THE ERNEST EVANS CORPORATION (hereinafter,
28 collectively, referred to as "Plaintiffs") and Defendants HEWLETT-PACKARD COMPANY and

1 PALM, INC. (hereinafter, collectively, referred to as "Defendants") (Plaintiff and Defendants
2 collectively referred to as the "Parties"), by and through their respective undersigned attorneys,
3 hereby submit the following Stipulation for Dismissal with Prejudice.

4
5 1. The Parties deny any liability as to the claims and counter-claim asserted against each
6 other.

7 2. Each side shall bear its own attorneys' fees and costs.

8 3. The court shall retain jurisdiction to enforce the terms of the Parties' June 2014
9 Confidential Settlement Agreement.

10 4. Without admitting liability, Defendants agree not to make any future use of Plaintiff
11 ERNEST EVANS' likeness, name, stage name, "Chubby Checker," or any of the following
12 trademarks and service marks "CHUBBY CHECKER," "CHUBBY CHECKER'S," "CHUBBY
13 CHECKER'S SNACKS KING OF THE TWIST FOOD PRODUCTS," "CHUBBY CHECKER'S
14 NEW YORK TWIST," or "CHUBBY CHECKER'S GIRL OF THE WORLD," or any mark
15 including any of the Plaintiffs' registered logos associated with those marks.

16 WHEREFORE, the parties hereby request this Honorable Court to enter an order dismissing
17 the above matter with prejudice, including all claims, counterclaims and causes of action and for
18 such other and further relief as the Court may deem appropriate.

19 Dated: July 22, 2014.

20
21 Respectfully submitted,

22 **SANTUCCI PRIORE, P.L.**

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28 By: /s/ Michael I. Santucci

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CERTIFICATE OF SERVICE

19 I certify that all counsel of record is being served on July 22, 2014 with a copy of this
20 document via the Court's CM/ECF system.

21 /s/ Michael I. Santucci
22 Michael I. Santucci, Esq.