

FILED

MAR 24 2008

FOR PUBLICATION

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERT R. FOULON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>KLAYMAN & TOSKES PA, a foreign corporation,</p> <p>Defendant - Appellee.</p>
--

No. 05-35383

D.C. No. CV-04-02555-JCC

ORDER

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, Chief District Judge, Presiding

KOZINSKI, Chief Judge, **REINHARDT**, **KLEINFELD**, **HAWKINS**,
GRABER, **WARDLAW**, **GOULD**, **PAEZ**, **RAWLINSON**, **M. SMITH**,
IKUTA, Circuit Judges:

The parties' motion to dismiss is granted. The appeal is dismissed with
prejudice, each party to bear its own costs.

COUNSEL

Carl J. Carlson, Carlson & Dennett, P.S., for the Plaintiff-Appellant.

William R. Kiendl, Lee, Smart, Cook, Martin & Patterson, P.S., Inc., for the Defendant-Appellee.