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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, et al., Plaintiffs, v. HERCULES INCORPORATED, et al., Defendants.	Case No.: 1:96-cv-05879 OWW/DLB (CONSOLIDATED SHAFTER CASES) **STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE** **Fed. R. Civ. Proc. 41(a)(2)** **Trial Date: None**

This stipulation is entered into by and between BNSF Railway Company, as successor to The Atchison, Topeka & Santa Fe Railway Company ("BNSF"), and Marilyn M. Dietzel, Trustee, as successor of the Estate of Fred R. Bryant ("Dietzel"), through their respective counsel.

BNSF and Dietzel request that each and every claim or cause of action between them in this case be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), and hereby stipulate that each party shall bear its own costs and attorneys' fees incurred in connection with this case.

DATED: April 19, 2011

BARG COFFIN LEWIS & TRAPP, LLP

/s/ Marc A. Zeppetello
Marc A. Zeppetello,
Attorneys for BNSF Railway Company,
as successor to The Atchison, Topeka &
Santa Fe Railway Company

DATED: April 5, 2011

LAW OFFICES OF SCOTT PERLMAN

/s/ Scott Perlman
Scott Perlman
Attorneys for Marilyn M. Dietzel, Trustee,
as successor to the Estate of Fred R. Bryant

IT IS SO ORDERED.

Dated: **April 19, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE