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Claimant and Cross-Defendant NATIONAL
RAILROAD PASSENGER CORPORATION,
8 Defendant and Cross-Claimant JOSHUA KYLES,
and Defendant and Third-Party Defendant BNSF
9 RAILWAY COMPANY

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

12 RANDY'S TRUCKING, INC., et al.,

13 Plaintiffs,

14 v.

15 CITY OF SHAFTER; et al.,

16 Defendants.

Case No. 1:08-cv-00819 OWW DLB

Consolidated with Case Nos.
1:09-cv-00211 OWW DLB and
1:09-cv-00331 OWW DLB

STIPULATION & ORDER OF DISMISSAL

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19 AND ALL RELATED AND
20 CONSOLIDATED ACTIONS.

21 IT IS HEREBY STIPULATED by and between Plaintiff ROI SMITH ("Plaintiff") and
22 Defendants NATIONAL RAILROAD PASSENGER CORPORATION ("Amtrak") and
23 JOSHUA KYLES ("Kyles") (collectively "Defendants"), through their designated counsel, that
24 the above-captioned action be and hereby is dismissed with prejudice as to Plaintiff's Complaint
25 against said Defendants, only, pursuant to Federal Rule of Civil Procedure 41(a)(1). Each party
26 agrees to bear their own costs.

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IT IS HEREBY FURTHER STIPULATED that, once Amtrak is dismissed as a party to the matter of *Roi Smith v. Randy's Trucking, Inc., et al.*, Case No. 1:09-cv-00331 OWW DLB, this Court will be deprived of jurisdiction and that matter alone should be remanded to the the Superior Court of California, County of Los Angeles.

Dated: August 10, 2010

STOLL, NUSSBAUM & POLAKOV, APC

By: /s/ Robert J. Stoll, Jr.
ROBERT J. STOLL, JR.
Attorneys for Plaintiff ROI SMITH

Dated: August 25, 2010

LOMBARDI, LOPER & CONANT, LLP

By: /s/ Jason B. Shane
JASON B. SHANE
Attorneys for Defendants
NATIONAL RAILROAD PASSENGER
CORPORATION and JOSHUA KYLES

IT IS SO ORDERED.

Dated: September 10, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE