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COMES NOW third-party Plaintiff, Ballantine Produce Co., Inc., David S. Albertson and Eric Albertson, and third-party Defendants, John D. Pelton & Associates, Inc., a California corporation, and John D. Pelton, an individual, by and through their respective attorneys of record hereby stipulate to the voluntary dismissal of Ballantine Produce Co., Inc., David S. Albertson and Eric Albertson's claims without prejudice as provided under Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(ii). Further, the parties stipulate to bear their own respective attorneys' fees and costs.

Dated: October 18, 2012.

WILD, CARTER & TIPTON
A Professional Corporation

By: *Steven E. Paganetti*
STEVEN E. PAGANETTI
Attorneys for Defendant and third-party
Claimant, Ballantine Produce Co., Inc.,
David S. Albertson and Eric Albertson

Dated: October 17, 2012.

CASWELL BELL & HILLISON LLP

By: *Kimberly L. Mayhew*
Kimberly L. Mayhew
Attorney for John D. Pelton & Associates,
Inc., and John D. Pelton

It is so Ordered. Dated: 10-19-12

A. K. Schuler
United States District Judge

WILD, CARTER & TIPTON
246 West Shaw Avenue
Fresno, California 93704