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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 (FRESNO DIVISION)

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12 THOMAS L. ANDERSON, )  
13 Plaintiff, ) Case No. 09-cv-01446-OWW-DLB  
14 v. ) **STIPULATION AND ORDER OF**  
15 STRAUSS NEIBAUER & ANDERSON ) **DISMISSAL**  
16 APC PROFIT SHARING 401(K) PLAN; )  
17 DOUGLAS L. NEIBAUER, as an )  
18 individual and as a fiduciary of the )  
19 Strauss Neibauer & Anderson APC )  
20 Profit Sharing 401(k) Plan; STRAUSS )  
21 NEIBAUER, A PROFESSIONAL )  
22 CORPORATION, a fiduciary/plan )  
23 sponsor of the Strauss Neibauer & )  
24 Anderson APC Profit Sharing 401(k) )  
25 Plan; TOTAL BENEFIT SERVICES, )  
26 INC., a California corporation, a )  
27 fiduciary of the Strauss Neibauer & )  
28 Anderson APC Profit Sharing 401(k) )  
Plan; )  
Defendants. )

26 Plaintiff THOMAS L. ANDERSON and Defendant TOTAL BENEFIT SERVICES,  
27 INC., by and through their respective counsel of record, hereby stipulate that Defendant  
28 TOTAL BENEFIT SERVICES, INC. be dismissed without prejudice, each party to bear

1 its own costs of suit and attorney's fees.

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GREEN & HUMBERT

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DATED: June 8, 2010

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By: /s/ C. Mark Humbert  
C. Mark Humbert  
Horace W. Green

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Attorneys for Plaintiff  
Thomas L. Anderson

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DATED: June 8, 2010

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DIETRICH, GLASRUD, MALLEK & AUNE

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By: /s/ Peter G. Fashing  
Donald H. Glasrud  
Peter G. Fashing

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Attorneys for Defendant  
Total Benefit Services, Inc.

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IT IS SO ORDERED.

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Dated: June 8, 2010

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/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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