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8 Attorneys for Plaintiffs,  
9 TONY AVILA and VERNA AVILA

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

12 TONY AVILA and VERNA AVILA, ) Case No.: 1:09-CV-01680-OWW-SMS  
13 Plaintiffs, )  
14 vs. ) **STIPULATION AND ORDER FOR**  
15 BANK OF AMERICA, N.A., AND DOES ) **DISMISSAL**  
16 1-100 INCLUSIVE, )  
17 Defendants. )  
18 \_\_\_\_\_ )  
19 BANK OF AMERICA, N.A., )  
20 Third Party Plaintiff )  
21 vs. )  
22 SUSAN VILLARREAL, )  
23 Third Party Defendant. )

24 IT IS HEREBY STIPULATED by and between Plaintiffs, TONY  
25 AVILA and VERNA AVILA and Defendant, BANK OF AMERICA, N.A.,  
26 through their designated counsel, that the above captioned action  
be and hereby is dismissed with prejudice pursuant to FRCP  
41(a)(1). This stipulation relates only to the Avilas' Complaint  
against Bank of America and not Bank of America's Third Party

1 Complaint against Susan Villarreal.

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3 DATED: June 1, 2010

RUDELL, COCHRAN, STANTON,  
SMITH, BIXLER & WISEHART, LLP

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By: /s/ Matthew W. Bixler

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Matthew W. Bixler, Attorneys  
for Plaintiffs, TONY AVILA  
and VERNA AVILA

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8 DATED: June 1, 2010

Severson & Werson  
A Professional Corporation

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By: /s/ Mark I. Wraight

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Mark I. Wraight,  
Attorneys for Defendant/Third-  
Party Plaintiff Bank of  
America, N.A.

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The parties hereto, having so stipulated, IT IS SO ORDERED  
15 that the Complaint filed by Plaintiffs, Tony Avila and Verna  
16 Avila, against Defendant Bank of America, N.A. be dismissed.

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IT IS SO ORDERED.

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Dated: June 2, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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