1 2 3 4 5 6 7 8 9 10 11	Gregory L. Spallas, Esq. (SBN 129306) Shivani Sutaria, Esq. (SBN 249942) PHILLIPS, SPALLAS & ANGSTADT LLP Three Embarcadero Center, Suite 550 San Francisco, California 94111 Tel: (415) 278-9400 Fax: (415) 278-9400 Fax: (415) 278-9411 gspallas@psalaw.net ssutaria@psalaw.net ssutaria@psalaw.net Attorneys for Defendant WAL-MART STORES, INC. Joel T. Andreesen, Esq. (SBN 152254) John A. Kawai, Esq. (SBN 152254) John A. Kawai, Esq. (SBN 260120) RODRIGUEZ & ASSOCIATES 2020 Eye Street Bakersfield, California 93301 Tel: (661) 323-1400 Fax: (661) 323-0132		
12	Attorneys for Plaintiff		
13	BETTY POMEROY		
14 15	UNITED STATES DISTRICT COURT		
	EASTERN DISTRICT OF CALIFORNIA		
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17 18	BETTY J. POMEROY,	Case No. 1:09-cv-02209-LJO-SKO	
19	Plaintiff,		
20	V.	STIPULATION AND ORDER	
21	WAL-MART STORES, INC., a Delaware		
22	Corporation, and DOES 1 through 100, inclusive,		
23	Defendants.		
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25	Plaintiff BETTY POMEROY, by and	through her attorney of record, Rodriguez &	
26	Associates, and Defendant WAL-MART STORES, INC., by and through its attorneys of record,		
27	Phillips, Spallas & Angstadt, do hereby STIPULATE AND AGREE as follows:		
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	- STIPULATION AND ORDER Pomeroy v. Wal-Mart Stores, Inc., Case No. 1:09-cv-0220	1- 09-LJO-SKO	

1	1. That Plaintiff BETTY POMEROY hereby waives any right to file an appeal of	
2	any orders or decisions of this Court regarding this pending matter, including but not limited to	
3	this Court's Decision of Defendant's Motion for Summary Judgment (Document 34) and	
4	Judgment (Document 35), in which this Court granted summary judgment on all claims set forth	
5	in the operative First Amended Complaint (Document 8) filed in this matter.	
6	2. That, in consideration of said waiver, Defendant WAL-MART STORES, INC.,	
7	hereby waives any right it may have to recover its attorney's fees and costs pursuant to the	
8	Decision and Judgment summarily adjudicating this matter and, therefore, each party to this case	
9	shall bear his or its own attorney's fees and costs.	
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12	Dated: July 18, 2011PHILLIPS, SPALLAS & ANGSTADT LLP	
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14	/s/ Gregory L. Spallas	
15	Gregory L. Spallas	
16	Shivani Sutaria Attorneys for Defendant	
17	WAL-MART STORES, INC.	
18	Dated: July 18, 2011 RODRIGUEZ & ASSOCIATES	
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21	/s/ Joel T. Andreesen Joel T. Andreesen	
22	John A. Kawai	
23	Attorneys for Plaintiff BETTY POMEROY	
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	STIPULATION AND ORDER	
	Pomeroy v. Wal-Mart Stores, Inc., Case No. 1:09-cv-02209-LJO-SKO	

1	ORDER
2	UDON A ODEEMENT OF THE DADTIES, IT IS SO ODDEDED.
3 4	UPON AGREEMENT OF THE PARTIES, IT IS SO ORDERED:
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7	IT IS SO ORDERED.
8	Dated: July 19, 2011 /s/ Lawrence J. O'Neill
9	UNITED STATES DISTRICT JUDGE
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	-3- STIPULATION AND ORDER Pomeroy v. Wal-Mart Stores, Inc., Case No. 1:09-cv-02209-LJO-SKO