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9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 NATIVIDAD GUTIERREZ,

12 Plaintiff,

13 vs.

14 THE PEP BOYS MANNY, MOE &
 15 JACK OF CALIFORNIA
 16 INCORPORATED dba PEP BOYS
 17 AUTO #673; ROBERT A. WILLS and
 18 WILLS ENTERPRISES, L.P.,

19 Defendants.

No. 1:10-CV-0280-LJO-SMS

**STIPULATION FOR DISMISSAL
 OF ACTION AGAINST
 DEFENDANTS THE PEP BOYS
 MANNY, MOE & JACK OF
 CALIFORNIA INCORPORATED
 dba PEP BOYS AUTO #673;
 ORDER**

Assigned to U.S. Magistrate Judge
 SANDRA M. SNYDER

Complaint filed: February 19, 2010
 First Amended Complaint filed:
 3/19/10

22 Plaintiff Natividad Gutierrez, through his attorney, Tanya Levinson Moore,
 23 Moore Law Firm, P.C., San Jose, California, and Defendants THE PEP BOYS
 24 MANNY, MOE & JACK OF CALIFORNIA INCORPORATED dba PEP BOYS
 25 AUTO #673, hereby stipulate that the above-captioned action shall be dismissed
 26 with prejudice as to Defendant THE PEP BOYS MANNY, MOE & JACK OF
 27 CALIFORNIA, a Corporation **only**.

28 *Gutierrez v. The Pep Boys*

STIPULATION FOR DISMISSAL; ORDER

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Date: April 19, 2010

/s/Tanya Levinson Moore
Tanya E. Levinson Moore
Attorney for Plaintiff

Date: April 19, 2010

/s/ Lawrence Teplin
On behalf of Cox, Castle &
Nicholson, LLP
Attorneys for Defendant

ORDER

THE PARTIES HAVING SO STIPULATED, IT IS HEREBY ORDERED THAT the above-captioned action be dismissed with prejudice against Defendants THE PEP BOYS MANNY, MOE & JACK OF CALIFORNIA a Corporation, erroneously sued as PEP BOYS AUTO #673, only.

IT IS SO ORDERED.

Dated: April 19, 2010

/s/ Lawrence J. O’Neill
Honorable Lawrence J. O’Neill
U.S. District Judge

Gutierrez v. The Pep Boys

STIPULATION FOR DISMISSAL; ORDER