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9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

<p>11 LYNDON B. MILLER,           Plaintiff           vs.           13 SEARS HOLDING CORPORATION, et al.,           Defendants</p>		<p>Case No. 1:10-CV-00882-LJO-GSA   <b>STIPULATION OF DISMISSAL AND          ORDER THEREON</b></p>
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14 **STIPULATION OF DISMISSAL**

15 Pursuant to a Settlement Agreement and Release between Plaintiff, LYNDON B. MILLER,  
 16 and Defendant SEARS ROEBUCK AND Co. (erroneously sued as SEARS HOLDINGS CORPORATION)  
 17 and pursuant to F.R.C.P 41(a)(1)(A)(ii), the Parties hereby request that the entire action be  
 18 dismissed with prejudice.  
 19

20 SIERRA LAW OFFICE OF DAVID L. AXELROD

21 Dated: December 29, 2010

/s/ David L. Axelrod  
 22 DAVID L. AXELROD,  
 Attorney for Plaintiff LYNDON B. MILLER

23 1 DAVID L. AXELROD, Attorney at Law  
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BASHAM LAW GROUP

Dated: December 21, 2010

By: /s/ Kelley S. Kern

GARY R. BASHAM  
KELLEY S. KERN  
Attorneys for Defendant  
SEARS HOLDING CORPORATION

**ORDER**

IT IS HEREBY ORDERED that the Complaint of Plaintiff, USDC Case No. 1:10-CV-00882-LJO-GSA, is dismissed with prejudice.

January 11, 2011\_\_\_\_

/s/ Lawrence J. O'Neill\_\_\_\_\_

DATED:

UNITED STATES DISTRICT COURT JUDGE