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8 Attorneys for Plaintiff
 9 BERRY & BERRY, INC.

10
 11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**

13 BERRY & BERRY, INC., a California
 14 corporation,

Case No. 1-11-cv-00925-LJO-GSA

15 Plaintiff,

ORDER FOR DISMISSAL

16 v.

17 NORTH AMERICAN CAPACITY
 18 INSURANCE COMPANY, a New
 19 Hampshire corporation, and DOES 1
 20 through 25, inclusive,

21 Defendants.

22 IT IS HEREBY ORDERED that this matter be, and is hereby dismissed,
 23 without prejudice, pursuant to FRCP Rule 41(a)(1). Each party to bear its own costs and
 24 attorneys fees. The clerk is directed to close this action.

25 IT IS SO ORDERED.

26 **Dated: September 14, 2011**

/s/ Lawrence J. O'Neill
 UNITED STATES DISTRICT JUDGE

27 MOTSCHIEDLER,
 28 MICHAELIDES,
 WISHON,
 BREWER & RYAN, LLP