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 MP NEXLEVEL OF CALIFORNIA, INC.  
 6 and Third-Party Defendant  
 WESTERN SURETY COMPANY  
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8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 MP NEXLEVEL OF CALIFORNIA, INC.,  
 11 Plaintiff,  
 12 v.  
 13 APEX DIRECTIONAL DRILLING, LLC,  
 14 Defendant.  
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Case No. 1:14-CV-00857-JAM-BAM

**STIPULATION AND ORDER FOR  
 DISMISSAL WITHOUT PREJUDICE**

16 APEX DIRECTIONAL DRILLING, LLC,  
 17 Counter-Claimant and Third-Party  
 18 Plaintiff,  
 19 v.  
 20 MP NEXLEVEL OF CALIFORNIA, INC., and  
 WESTERN SURETY COMPANY,  
 21 Counter-Claim Defendant and  
 22 Third-Party Defendant.

23 **WHEREAS**, Plaintiff MP Nexlevel of California, Inc. (“MPN”), Defendant Apex  
 24 Directional Drilling, LLC (“Apex”), and Third-Party Defendant Western Surety Company  
 25 (“Western”) have entered into a Settlement Agreement and Partial Mutual Release;

26 **NOW THEREFORE**, MPN, Western, and Apex enter into the following Stipulation.  
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1 **STIPULATION**

2 MPN, Western, and Apex, by and through its undersigned attorneys, stipulate to the  
3 dismissal without prejudice of all claims in the above-captioned action. Pursuant to Federal  
4 Rule of Civil Procedure 41(a)(2) and 41(c), MPN, Western and Apex request an Order of the  
5 Court dismissing without prejudice all claims.

6 Dated: March 13, 2015

**GORDON & REES, LLP**

By: /s/ Ben Patrick, Esq.

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12 *Attorneys for Plaintiff MP Nexlevel of California,  
13 Inc. and Third-Party Defendant Western Surety Co.*

14 Dated: March 12, 2015

**TONKON TORP, LLP**

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19 *Attorneys for Apex Directional Drilling, LLC*  
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This matter came before the Court on a Stipulation for Dismissal Without Prejudice filed by Plaintiff MP Nexlevel of California, Inc., Defendant Apex Directional Drilling, LLC, and Third-Party Defendant Western Surety Company. That Stipulation is hereby **GRANTED AS REQUESTED**, and this matter is dismissed without prejudice.

Dated: 3/13/2015

/s/ John A. Mendez  
United States District Court Judge