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16 Attorneys for Defendants SAFECO INSURANCE COMPANY OF  
17 AMERICA, LIBERTY MUTUAL INSURANCE COMPANY, and  
18 LIBERTY MUTUAL GROUP, INC.

19 UNITED STATES DISTRICT COURT  
20 EASTERN DISTRICT OF CALIFORNIA

21 SUZANNE A. GAYLE,

22 Plaintiff,

23 v.

24 SAFECO INSURANCE COMPANY OF  
25 AMERICA, LIBERTY MUTUAL  
26 INSURANCE COMPANY, LIBERTY  
27 MUTUAL GROUP, INC., LIBERTY  
28 MUTUAL HOLDING COMPANY, INC.,  
and DOES 1 through 25, inclusive,

Defendants.

Case No. 1:16-cv-01686-DAD-EPG

**STIPULATION AND ORDER TO  
DISMISS ENTIRE ACTION WITH  
PREJUDICE**

**ORDER DIRECTING CLERK TO CLOSE  
CASE**

**(ECF No. 12)**

29 **IT IS HEREBY STIPULATED** by and between Plaintiff Suzanne Gayle and Defendants  
30 Safeco Insurance Company of America, Liberty Mutual Insurance Company and Liberty Mutual  
31 Group, Inc., by and through their respective attorneys of record, to dismiss Plaintiff's complaint  
32 with prejudice as to all parties and claims, pursuant to Federal Rule of Civil Procedure  
33 41(a)(1)(A)(ii), with each side to bear its own fees and costs.

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**IT IS SO STIPULATED.**

All signatories to this Stipulation, and on whose behalf the filing is submitted, concur in the Stipulation's content and have authorized its filing.

Dated: October 12, 2017

ROPER, MAJESKI, KOHN & BENTLEY

By: /s/ Pamela E. Cogan  
PAMELA E. COGAN  
Attorneys for Defendants  
SAFECO INSURANCE COMPANY OF  
AMERICA, LIBERTY MUTUAL  
INSURANCE COMPANY, and LIBERTY  
MUTUAL GROUP, INC.

Dated: October 12, 2017

YOUNG WARD & LOTHERT

By: /s/ Bradley Young  
BRADLEY YOUNG  
Attorneys for Plaintiff  
SUZANNE GAYLE

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**ORDER**

On October 12, 2017, the parties filed a stipulation to dismiss this action with prejudice. (ECF No. 12.) All parties have agreed to the dismissal. *Id.* In light of the stipulation, the case has ended and is dismissed with prejudice and with fees and costs to be addressed pursuant to the parties' private agreement. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995) ("Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his action voluntarily by filing a notice of dismissal under Rule 41(a)(1)."). Accordingly, the Clerk of the Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: October 13, 2017

/s/ Eric P. Shoyk  
UNITED STATES MAGISTRATE JUDGE