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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
8 **FRESNO DIVISION**

9 HECHINGER JOINT VENTURE #1, et al.,

10 Plaintiffs,

11 vs.

12 HOME DEPOT U.S.A., INC.,

13 Defendant.  
14  
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Case No. 1:17-cv-00175-SAB

STIPULATION AND ORDER RE DISMISSAL  
OF ACTION WITHOUT PREJUDICE AND  
ALLOCATION OF COSTS

(Fed. R. Civ. P. 41(a), 54(d))

16 On September 25, 2017, Plaintiffs filed a stipulation dismissing this action without prejudice  
17 with each party to bear its own costs and fees. In light of the stipulation of the parties, this action has  
18 been terminated, Fed. R. Civ. P. 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th  
19 Cir. 1997), and has been dismissed without prejudice and with the parties to bear their own costs and  
20 attorneys' fees.

21 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case and  
22 adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).  
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25 IT IS SO ORDERED.

26 Dated: September 25, 2017

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28 UNITED STATES MAGISTRATE JUDGE