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18 Attorneys for Plaintiff,
19 LARRY CLOSE

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

22 LARRY CLOSE,

23 Plaintiff,

24 v.

25 LIBERTY LIFE ASSURANCE
26 COMPANY OF BOSTON,

27 Defendant.

CASE NO. 1:17-cv-00310-AWI-JLT

**STIPULATION AND [PROPOSED]
ORDER DISMISSING ENTIRE ACTION
WITH PREJUDICE**

(Doc. 15)

28 **IT IS HEREBY STIPULATED** by and between the Plaintiff, LARRY CLOSE, and
Defendant LIBERTY LIFE ASSURANCE COMPANY OF BOSTON by and through their
respective attorneys of record, that the above-captioned action shall be, and hereby is, dismissed
with prejudice as to all parties and claims, pursuant to Federal Rule of Civil Procedure
41(a)(1)(A)(ii). Each party shall bear its own fees and costs.

1 All signatories to this Stipulation, and all parties on whose behalf the filing is submitted,
2 concur with the Stipulation's content and have authorized its filing.

3 Dated: June 30, 2017

ROPERS, MAJESKI, KOHN & BENTLEY

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By: /s/ Robert M. Forni, Jr.

PAMELA E. COGAN

ROBERT M. FORNI, JR.

Attorneys for Defendant, LIBERTY LIFE
ASSURANCE COMPANY OF BOSTON

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9 Dated: June 30, 2017

LAW OFFICES OF BERNARD R. SCHWAM

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By: /s/ Bernard R. Schwam

BERNARD R. SCHWAM

Attorneys for Plaintiff

LARRY CLOSE

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ORDER

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The parties have stipulated to dismiss this case with each party shall bear its own attorney's fees and costs. The stipulation relies upon Rule 41 of the Federal Rules of Civil Procedure, under which "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii).

Because all parties who have appeared in the action signed the stipulation, it "automatically terminate[d] the action." Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the Clerk of Court is DIRECTED to close this action;

IT IS SO ORDERED.

Dated: June 30, 2017

/s/ Jennifer L. Thurston

UNITED STATES MAGISTRATE JUDGE