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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

21	MICHAEL S. TUCKER,	)	CASE NO. 2:06-CV-00395 JAM EFB
		)	
22	Plaintiff,	)	STIPULATION AND ORDER FOR
		)	DISMISSAL OF PLAINTIFF'S
23	vs.	)	ACTION AGAINST DEFENDANTS,
		)	BNSF RAILWAY COMPANY,
24	BNSF RAILWAY COMPANY, a	)	VERLEY FARMS AND DAVID LYNN
	corporation; VERLEY FARMS, business	)	VERLEY
25	entity, form unknown; DAVID LYNN	)	
	VERLEY, an individual,	)	
26		)	
	Defendants.	)	
27		)	

IT IS HEREBY STIPULATED by the parties and through their respective counsel

pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), that plaintiff MICHAEL S. TUCKER's action be and is hereby DISMISSED against defendant BNSF RAILROAD COMPANY, and defendants VERLEY FARMS and DAVID LYNN VERLEY. Each party agrees to bear their own costs.

Dated: February _____, 2009

HILDEBRAND, MCLEOD & NELSON, LLP

By: /s/ Anthony S. Petru
ANTHONY S. PETRU, ESQ.
Attorneys for Plaintiff
MICHAEL S. TUCKER

Dated: February _____, 2009

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By: /s/ Thomas A. Cregger
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BNSF RAILWAY COMPANY

Dated: February _____, 2009

ERICKSON-ARBUTHNOT

By: /s/ Mark S. Tratten
MARK S. TRATTEN, ESQ.
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DAVID LYNN VERLEY and VERLY FARMS

ORDER

IT IS SO ORDERED:

DATED: February 11, 2009.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
JUDGE OF THE U.S. DISTRICT COURT