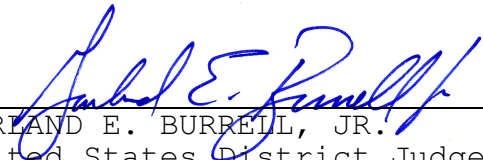


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHIRLEY KNIGHT, Guardian ad	)	
Litem for J.S., a minor, and	)	2:08-cv-01903-GEB-EFB
MARLENE FAGAN and HOMER FAGAN,	)	
	)	
Plaintiffs,	)	<u>ORDER DISMISSING HOMER</u>
	)	<u>FAGAN'S CLAIM AGAINST</u>
v.	)	<u>DEFENDANT</u>
	)	
DEERE & COMPANY,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Homer Fagan seeks dismissal of his "case . . . against defendant . . . with prejudice" and "request[s] that any . . . attorney fees requested by defendant['s] counsel pursuant to the voluntary dismissal be denied." (ECF No. 57.) Defendant filed a "conditional statement of non-opposition", in which it states it "does not oppose the dismissal . . . but will not agree to waive its claim for costs[.]" (ECF No. 75.) In light of Plaintiff Homer Fagan's and Defendant's respective positions on dismissal, Plaintiff Homer Fagan's claim against Defendant is DISMISSED with prejudice.

Dated: April 12, 2011

  
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GARLAND E. BURRELL, JR.  
United States District Judge