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

CHRISTINA MITCHELL, et al.,

Plaintiffs,

No. CIV S-09-2241 CKD

vs.

SKYLINE HOMES,

Defendant.

ORDER

\_\_\_\_\_ /

Calendared for hearing on February 22, 2012 is plaintiffs Jerry and Dawn Wright's motion to dismiss. Because oral argument is not of material assistance, this matter is submitted on the briefs. E.D. Cal. L.R. 230(g). Upon review of the documents in support and opposition, and good cause appearing, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. The February 22, 2012 hearing on plaintiffs' motion to dismiss is vacated.
2. Plaintiffs have clarified in the briefing that they will stipulate to dismissal of their claims with prejudice. Under these circumstances, conditioning dismissal on payment of

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1 defense fees and costs is not warranted. Fed. R. Civ. P. 41(a)(2). Plaintiffs Jerry Wright and  
2 Dawn Wright are dismissed from this action with prejudice.

3 Dated: February 9, 2012

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5 CAROLYN K. DELANEY  
6 UNITED STATES MAGISTRATE JUDGE

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