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8 9	Attorneys for Defendants MORGAN STANLEY SMITH BARNEY LLC, CITIGROUP GLOBAL MARKETS INC. f/k/a SMITH BARNEY CITIGROUP GLOBAL MARKETS HOLDINGS, INC.	
10	UNITED STATES DISTRICT COURT	
11	EASTERN DISTRICT OF CALIFORNIA	
12		
13	ERIC B. BATES, on behalf of himself, all others similarly situated, the general	Case No. CIV S-09-03049 FCD-GGH
<ul><li>14</li><li>15</li></ul>	public, and as an "aggrieved employee" under the California Labor Code Private Attorneys General Act,	STIPULATION AND ORDER RE: O DISMISSAL OF CASE
16	Plaintiff,	) Action Filed: August 21, 2009
17	vs.	
18	MORGAN STANLEY SMITH BARNEY	
19	LLC, a limited liability company, CITIGROUP GLOBAL MARKETS INC. a corporation formerly doing business as	
20	SMITH BARNEY, CITIGROUP GLOBAL MARKETS HOLDINGS, INC., a	
21	corporation, and DOES 1 through 50, inclusive,	
22	Defendants.	
23	Defendants.	
24	Plaintiff ERIC B. BATES and Defendants MORGAN STANLEY SMITH	
25	BARNEY LLC, CITIGROUP GLOBAL MARKETS INC. f/k/a SMITH BARNEY, and	
26	CITIGROUP GLOBAL MARKETS HOLDINGS, INC. (collectively referred to herein as	
27	"CGMI"), through their respective counsel of record, enter into the following Stipulation	
28	regarding dismissal of the case:	
		-1-

## 1 **STIPULATION** 2 1. Pursuant to Federal Rule of Civil Procedure 41(a), the parties hereby 3 stipulate to the dismissal of all causes of action set forth in the First Amended 4 Complaint. 2. The dismissal referenced herein shall be with prejudice as to Plaintiff 5 6 Eric Bates and shall be without prejudice as to the putative class members. 7 8 LAW OFFICES OF SCOT D. BERNSTEIN DATED: February 22, 2011 LAW OFFICES OF WILLIAM P. 9 TORNGREN 10 <u>/s/ William P. Torngren</u> 11 WILLIAM P. TORNGREN Attorneys for Plaintiff ERIC B. BATES 12 13 14 DATED: February 22, 2011 /s/ Nathan R. Jaskowiak LISA M. BERTAIN 15 JULIE L. TAYLOR NATHAN R. JASKOWIAK 16 KEESAL, YOUNG & LOGAN Attorneys for Defendants 17 MORGAN STANLEY SMITH BARNEY LLC, CITIGROUP GLOBAL MARKETS INC. f/k/a 18 SMITH BARNEY. CITIGROUP GLOBAL MARKETS HOLDINGS, INC. 19 20 **ORDER** 21Pursuant to the stipulation of the parties, Plaintiff Eric Bates' claims for 22 relief are dismissed with prejudice and the putative class members' claims are dismissed 23without prejudice. 2425 DATED: February 23, 2011 26 MRELL, JR. UNITED STATES DISTRICT JUDGE 27 28