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11 Attorney for Plaintiff, ROBERT BARABINO

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

17 ROBERT BARABINO,

18 Plaintiff,

19 v.

20 CITIZENS AUTOMOBILE FINANCE,  
21 INC., a corporation; JPMORGAN CHASE  
22 BANK, a corporation; WESTERN  
SURETY COMPANY, a corporation; and  
DOES 1 through TWENTY;

23 Defendants.

Case No. 10-CV-00035 MCE EFB

**STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE**

**[F.R.C.P. 41(a)(1)(i)]**

25 The parties hereto, by their undersigned counsel, hereby stipulate pursuant to Rule  
26 41(a)(1)(ii) of the Federal Rules of Civil Procedure that this matter shall be and hereby is  
27 dismissed with prejudice, each party to bear its own attorney's fees and costs.  
28

1 Defendant JP Morgan Chase Bank was previously dismissed when its motion for judgment on the  
 2 pleadings was granted on December 21, 2010, docket no. 67. Defendant Western Surety  
 3 Company was voluntarily dismissed on January 12, 2010, docket no. 11. Thus, the only  
 4 necessary parties to this stipulation are plaintiff Robert Barabino and defendant Citizens  
 5 Automobile Finance, Inc.

6 Dated: November 3, 2011

**MATHENY SEARS LINKERT & JAIME, LLP**

8 By: /s/ MICHAEL A. BISHOP  
 MICHAEL A. BISHOP, ESQ.  
 N. KATE JEFFRIES, ESQ.  
 Attorneys for Defendants, CITIZENS  
 10 AUTOMOBILE FINANCE, INC.


11 Dated: November 3, 2011

**MAKLER & BAKER LLP**

12 By: /s/ TERRY L. BAKER  
 TERRY BAKER, ESQ.  
 Attorney for Plaintiff, ROBERT  
 14 BARABINO

15  
 16 **IT IS SO ORDERED.**

17 Dated: November 8, 2011

18   
 19 \_\_\_\_\_  
 MORRISON C. ENGLAND, JR.  
 UNITED STATES DISTRICT JUDGE  
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