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5 Attorneys for Defendant
 6 AMERICAN MERCHANDISING SPECIALISTS, INC.

7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

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 10 Janet Stout, individually, on behalf of all
 11 others similarly situated, and on behalf of
 the general public,
 12 Plaintiff,
 13 v.
 14 American Merchandising Specialists, Inc.,
 and DOES 1-50, inclusive,
 15 Defendants.
 16

Case No. 2:10-cv-01151-MCE-GGH

**STIPULATION FOR DISMISSAL OF
 ACTION WITH PREJUDICE; ORDER**

17 STIPULATION OF DISMISSAL WITH PREJUDICE OF ENTIRE ACTION

18 WHEREAS, Plaintiff Janet Stout has reached a final binding and conclusive
 19 settlement of all claims with Defendant American Merchandising Specialists, Inc.;

20 WHEREAS, an opt-in Plaintiff was David Selk, a former employee of Defendant
 21 American Merchandising Specialists, Inc., who has also reached a final binding and
 22 conclusive settlement with said Defendant;

23 WHEREAS, this action was never certified as a class and all named plaintiffs and the
 24 opt-in plaintiff has settled with Defendant.

25 WHEREFORE, pursuant to the settlements reached with Plaintiff Janet Stout and
 26 opt-in Plaintiff David Selk, each have dismissed their claims in this action with prejudice.
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THEREFORE, by stipulation, the entire action, including all claims by Janet Stout and David Selk, are hereby dismissed with prejudice.

SO STIPULATED.

Dated: December 17, 2010

NICHOLS KASTER, LLP

By: s/Matthew C. Helland
Matthew C. Helland

ATTORNEYS FOR INDIVIDUAL AND REPRESENTATIVE PLAINTIFF

Dated: December 17, 2010

MCNEIL, SILVEIRA, RICE & WILEY


By s/Mark J. Rice
Mark J. Rice

ATTORNEYS FOR DEFENDANT AMERICAN MERCHANDISING SPECIALISTS, INC.

ORDER

The court accepts the above stipulation. IT IS ORDERED that this matter be dismissed, with prejudice. The Clerk of Court is hereby directed to close the file.

DATED: January 25, 2011


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE