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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 LINDA WARREN,

11 Plaintiff,

12 v.

13 SAM'S WEST, INC. A Arkansas
14 Corporation; WAL-MART STORES, INC. A
Delaware Corporation

15 Defendant.
16

Case No.: 2:12-cv-02315-MCE-EFB

**JOINT STIPULATION FOR DISMISSAL
OF ALL CLAIMS AGAINST WAL-MART
STORES, INC. AND ORDER**

Complaint Filed: September 10, 2012

17 **SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES,**
18 **THROUGH THEIR RESPECTIVE ATTORNEYS OF RECORD, HEREBY**
19 **STIPULATE TO THE FOLLOWING:**

20 **WHEREAS**, Plaintiff Linda Warren ("Plaintiff") filed a Complaint on September 10,
21 2012 against Defendants Sam's West, Inc. and Wal-Mart Stores, Inc. in the above referenced
22 action;

23 **WHEREAS**, Defendants Sam's West, Inc. and Wal-Mart Stores, Inc. answered
24 Plaintiff's Complaint on or about October 24, 2012;

25 **WHEREAS**, counsel for all parties have engaged in discovery regarding the claims in
26 this action;
27
28

1 **WHEREAS**, counsel for Plaintiff agrees to dismiss Defendant Wal-Mart Stores, Inc.
2 without prejudice based on the absence of any known substantive legal grounds to assert any
3 claims against Wal-Mart Stores, Inc.

4 **WHEREAS**, the Parties hereby stipulate for dismissal without prejudice that the above-
5 entitled action be dismissed in its entirety against Wal-Mart Stores, Inc. pursuant to Federal
6 Rule of Civil Procedure 41(a)(1).

7 **WHEREAS**, the Parties, Plaintiff and Defendant Wal-Mart Stores, Inc. shall bear their
8 own respective costs and attorney's fees.

9 **THEREFORE**, based on the foregoing, by and through their undersigned attorneys of
10 record, the Parties **HEREBY STIPULATE AND REQUEST** that the Court issue and Order
11 dismissal of all claims against Defendant Wal-Mart Stores, Inc. without prejudice.

12
13 **IT IS SO STIPULATED.**
14

15 DATED: October 16, 2013

FISHER & PHILLIPS LLP

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17 By: /s/Alice S. Wang
18 John L. Beers
19 Alice S. Wang
20 Daniel J. Aguilar
Attorneys for Defendants
Sam's West, Inc. and
Wal-Mart Stores, Inc.

21 DATED: October 16, 2013

FISHER & PHILLIPS LLP

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23 By: /s/Mark Peter Velez
24 Mark Peter Velez, Esq.
25 Karen Asplund Velez, Esq.
26 Attorneys for Plaintiff
27 Linda Warren
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ORDER

The Court has reviewed the parties' stipulation (ECF No. 24), and the above-entitled action is dismissed in its entirety against Wal-Mart Stores, Inc. pursuant to Federal Rule of Civil Procedure 41(a)(1).

IT IS SO ORDERED.

Dated: October 21, 2013



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT