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 10 **ATTORNEYS FOR PLAINTIFF**  
 11 **BRIAN STOLLER**

12 **IN THE UNITED STATES DISTRICT COURT**  
 13 **FOR THE EASTERN DISCTRICK OF CALIFORNIA**

14 **BRIAN STOLLER,**  
 15  
 16 **Plaintiff,**  
 17  
 18 **vs.**  
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 20 **RTI BIOLOGICS, INC., A Florida**  
 21 **Corporation; TIMOTHY P. O'BRIEN,**  
 22 **An Individual,**  
 23  
 24 **Defendant.**

**CASE NO. 2:13-cv-01216-MCE-DAD**

**RETRAXIT AND STIPULATION TO DISMISS ACTION WITH PREJUDICE**

25 Plaintiff BRIAN STOLLER, by and through his counsel of record, voluntarily  
 26 renounces all of the allegations contained in the Complaint for Damages filed in this action  
 27 on June 18, 2013 [Docket item no. 2]. Plaintiff admits that all of the allegations in the  
 28 Complaint against Defendants RTI BIOLOGICS, INC. and TIMOTHY P. O'BRIEN were  
 baseless, and lacked factual and legal support. In consideration for Defendants' agreement  
 to enter into this Stipulation, Plaintiff shall pay to Defendant RTI BIOLOGICS, INC.  
 reimbursement of attorney's fees and costs incurred in defending the meritless claims he  
 asserted against Defendants and each of them.

Based on the agreement set forth above, Plaintiff requests that this action be  
 dismissed with prejudice in its entirety.

1 Dated: September 10, 2014

/s/ Donald H. Heller

DONALD H. HELLER  
A Law Corporation

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5 Dated: September 10, 2014

/s/ Nancy Sheehan

NANCY SHEEHAN  
Porter Scott, PC

6  
7 Dated: September 10, 2014


Alden John Parker

ALDEN JOHN PARKER  
Weintraub Tobin Chediak Coleman Grodin  
Law Corporation

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11 **ORDER**

12 Pursuant to the parties' joint stipulation (ECF No. 33) and Federal Rule of  
13 Civil Procedure 41, this case is DISMISSED with prejudice in its entirety. The Clerk of  
14 the Court is directed to CLOSE this case.

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16 IT IS SO ORDERED.  
17 Dated: October 14, 2014

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