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8

9   UNITED STATES DISTRICT COURT

10   EASTERN DISTRICT OF CALIFORNIA

11

12 ROSIO GUTIERREZ,   Case No. 2:16-CV-01852-MCE-CKD

13   Plaintiff,   **ORDER AND STIPULATION FOR
                                              DISMISSAL WITH PREJUDICE**
14   v.
                                              (Superior Court of California for the County
15 PLASTIC PACKAGE, INC.; and DOES 1   of Sacramento Case No.: 34-2016-001946)
    through 100, inclusive,
16
                          Defendants.
17

18   Plaintiff Rosio Gutierrez ("Plaintiff") and Defendant Plastic Package, Inc. ("PPI")

19 (collectively, the "Parties"), through their counsel, stipulate and agree as follows:

20   1.   On May 17, 2016, Plaintiff filed a complaint for damages against PPI in the

21 Superior Court of California, County of Sacramento, Case No. 34-2016-00194663 ("State Court

22 Complaint").

23   2.   On July 8, 2016, Plaintiff served the State Court Complaint on PPI.

24   3.   On August 5, 2016, PPI timely removed the State Court Complaint to this Court

25 ("Federal Court Action").

26   4.   On August 11, 2016, PPI moved to dismiss seven of the nine causes of action

27 pleaded in the Federal Court Action.

28

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                                    1   2:16-CV-01852-MCE-CKD
                  ORDER AND STIPULATION FOR DISMISSAL WITH PREJUDICE
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5. On September 23, 2016, in lieu of opposing PPI's motion, Plaintiff filed and served a first amended complaint ("FAC") in the Federal Court Action.

6. On September 26, 2016, PPI moved to dismiss seven of the nine causes of action pleaded in the FAC.

7. On September 26, 2016, the parties participated in mediation to attempt to resolve the FAC and Federal Court Action in its entirety.

8. The mediation resulted in the parties entering into a Confidential Settlement Agreement and General Release of Claims ("Settlement Agreement").

9. The Parties have agreed to dismiss the FAC and Federal Court Action with prejudice, with each party to bear its own attorneys' fees and costs.

10. Plaintiff further agrees that this stipulation will be enforceable in any and all future actions filed against PPI arising out of or relating to the facts supporting the allegations set forth in the State Court Complaint, Federal Court Action, and FAC.

Pursuant to Local Rule 131(e), counsel for PPI represents that Plaintiff's counsel has authorized submission of this document on Plaintiff's behalf.

DATED: October 6, 2016　　　　　　　　　　POLSINELLI LLP

By:　*/s/ Charles O. Thompson*
　　　CHARLES O. THOMPSON
　　　GARRET PARKS
　　　EMILY ERDMAN

　　　Attorneys for Defendant
　　　PLASTIC PACKAGE, INC.

DATED: October 6, 2016　　　　　　　　　　BOHM LAW GROUP, INC.

By:　*/s/ Lawrance A. Bohm*
　　　(as authorized on 10/6/2016)
　　　LAWRANCE A. BOHM, ESQ.
　　　ZANE E. HILTON, ESQ.

　　　Attorneys for Plaintiff
　　　ROSIO GUTIERREZ

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ORDER

Pursuant to the Parties' Stipulation for Dismissal with Prejudice, the Court hereby orders the above-captioned action DISMISSED in its entirety with prejudice, each party to bear its own attorneys' fees and costs.

The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: October 13, 2016

_____
MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE

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