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8 *Attorneys for Plaintiff,*
 9 Diane Kimball

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 **DIANE KIMBALL,**

13 **Plaintiff,**

14 **v.**

15 **TD RETAIL CARD SERVICES,**
 16 **FURNISH 123, EXPERIAN**
 17 **INFORMATION SOLUTIONS,**
 18 **INC., and EQUIFAX**
 19 **INFORMATION SERVICES**
 20 **LLC,**

21 **Defendants.**

Case No.: 19-CV-00554-MCE-CKD

**STIPULATION AND ORDER OF
 DISMISSAL AS TO DEFENDANT TD
 RETAIL CARD SERVICES**

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1 Plaintiff Diane Kimball (hereinafter "Plaintiff") and Defendant TD Bank,
2 N.A. (incorrectly named as "TD RETAIL CARD SERVICES" ("TDRCS")) (jointly
3 hereinafter referred to as "the Parties"), hereby stipulate to dismiss Defendant
4 TDRCS from the above-entitled action, with prejudice, with each party to bear its
5 own costs and attorneys' fees.
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9 Dated: October 8, 2019

Respectfully submitted,

10 **C.O. LAW, APC**

11 By: /s/ Clark Ovruchesky
12 Clark Ovruchesky
13 ATTORNEYS FOR PLAINTIFF

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15 **DUANE MORRIS**

16 By: /s Terrance J. Evans
17 TERRANCE J. EVANS, ESQ.
18 ATTORNEY FOR TDRCS

19 **SIGNATURE CERTIFICATION**

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21 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
22 and Procedures Manual, I hereby certify that the content of this document is
23 acceptable to all defense counsels listed above, and that I have obtained their
authorizations to affix their electronic signatures to this document.

24 Dated: October 8, 2019

C.O. LAW, APC

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26 By: /s/ Clark Ovruchesky
27 Clark Ovruchesky
28 ATTORNEYS FOR PLAINTIFF

1 **ORDER**

2 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that all
3 claims of Plaintiff Diane Kimball (“Plaintiff”) against Defendant TD Bank, N.A.
4 (incorrectly named as “TD RETAIL CARD SERVICES” (“TDCRS”)) are
5 dismissed, with prejudice. Plaintiff and TDCRS shall each bear their own costs
6 and attorneys’ fees, and this case shall proceed on Plaintiff’s remaining claims.

7 IT IS SO ORDERED.

8 Dated: October 9, 2019

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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