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11 Attorneys for Defendants  
PNEUMO ABEX CORPORATION (nka Pneumo  
12 Abex LLC) and WHITMAN CORPORATION (nka  
PepsiAmericas, Inc.)

13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA

16 DONNA M. AVILA, et al.,

17 Plaintiffs,

18 v.

19 WILLITS ENVIRONMENTAL  
REMEDATION TRUST, et al.,

20 Defendants.  
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CASE NO. C-99-3941 SI

(Consolidated with Case Nos. C-01-0266 SI and  
C-06-2555 SI)

**STIPULATION OF DISMISSAL WITH  
PREJUDICE OF CERTAIN PLAINTIFFS  
AND ORDER THEREON**

(Honorable Susan Illston)

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TO THE HONORABLE COURT:

COMES NOW THE PARTIES who, pursuant to *Federal Rule of Civil Procedure* 41(a)(1), stipulate to the dismissal with prejudice of certain Plaintiffs in this action.

WHEREAS, Plaintiffs Irene Hall and Roy Elliott have settled all of the claims asserted by them in these consolidated matters.

WHEREAS, the agreed upon settlement includes a dismissal with prejudice.


NOW, THEREFORE, pursuant to the settlement and release reached between each of Irene Hall and Roy Elliott and the Defendants, the parties stipulate and agree that:

Pursuant to *Federal Rule of Civil Procedure* 41(a), all claims asserted by Irene Hall and Roy Elliott shall be dismissed with prejudice from these consolidated actions.

IT IS SO STIPULATED


Dated: March 31, 2009

LATHAM & WATKINS LLP

By   
Collie F. James  
Attorneys for Defendants  
Pneumo Abex Corporation and Whitman Corporation

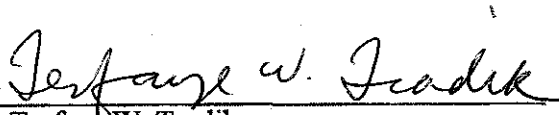
Dated: March 31, 2009

WILLIAM M. SIMPICH, ESQ.

By   
William M. Simpich  
Attorneys for Plaintiffs

Dated: ~~March 31~~ 31 2009

TESFAYE W. TSADIK, ESQ.

By   
Tesfaye W. Tsadik  
Attorneys for Plaintiffs

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**ORDER**

Having received and considered the above stated Stipulation and stated reasons therefore, and finding Good Cause therefore, the Court hereby adopts the Stipulation as an Order of the Court as follows:

Having resolved their claims by way of settlement, Plaintiffs Irene Hall and Roy Elliott and all of the claims asserted herein by each of them are dismissed with prejudice from the consolidated action entitled *Avila, et al. v. Willits Environmental Remediation Trust, et al.*, Case No. C-99-3941 (Consolidated with Case Nos. C-01-0266 SI and C-06-2555 SI).

**IT IS SO ORDERED**

Dated: April 9, 2009



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SUSAN ILLSTON  
United States District Judge