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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 NORTHERN DISTRICT OF CALIFORNIA

16 DONNA M. AVILA, et al.,  
 17 Plaintiffs,  
 18 v.  
 19 WILLITS ENVIRONMENTAL  
 REMEDIATION 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:**

**COME 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 Ester Wells and Michael Wells have settled all of the claims asserted by them in these consolidated matters.

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

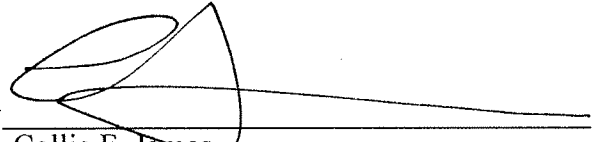
**NOW, THEREFORE**, pursuant to the settlement and release reached between each of Ester Wells and Michael Wells and the Defendants, the parties stipulate and agree that:

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

**IT IS SO STIPULATED**

Dated: May 13, 2009

LATHAM & WATKINS LLP

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

Dated: May 13, 2009

WILLIAM M. SIMPICH, ESQ.

By   
William M. Simpich  
Attorneys for Plaintiffs

Dated: May 13, 2009

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By   
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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 Ester Wells and Michael Wells 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: \_\_\_\_\_



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SUSAN ILLSTON  
United States District Judge

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