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[Counsel on next page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Melissa Gabriella, Steve Youmans, and
Veronica Aceves, on behalf of themselves and
classes of those similarly situated,

Plaintiffs,

vs.

Wells Fargo Financial, Inc. and Wells Fargo
Financial California, Inc. d/b/a Wells Fargo
Financial and Wells Fargo Financial
Acceptance, and DOES 1-50,

Defendants.

**Case No. CV 06-4347 SI
The Honorable Susan Illston**

**PLAINTIFFS' NOTICE OF DISMISSAL
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)(i);
[PROPOSED] ORDER**

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1 Plaintiffs Mellissa Gabriella, Steve Youmans and Veronica Aceves, pursuant to Rule
2 41(a)(1)(i) of the Federal Rules of Civil Procedure, hereby dismiss all causes of action in the
3 Complaint as to Defendants Wells Fargo Financial, Inc., Wells Fargo Financial California, Inc. d/b/a
4 Wells Fargo Financial and Wells Fargo Financial Acceptance, and DOES 1-50, with prejudice.

5 Plaintiffs may dismiss an action without a court order by filing a notice of dismissal before
6 the opposing parties serves either an answer or a motion for summary judgment. Fed. R. Civ. P.
7 41(a)(1)(A)(i). Defendants have not filed a motion for summary judgment as to Plaintiffs' claims;
8 therefore, dismissal is appropriate. Such dismissal is without prejudice unless stated otherwise in the
9 notice. Fed. R. Civ. P. 41(a)(1)(B). Here, the parties have informally resolved this matter.
10 Dismissal with prejudice under Rule 41(a)(1)(i) is therefore appropriate.

11
12 Dated: Nov. 10, 2011

13 /s/ Charles G. Frohman
Charles G. Frohman
NICHOLS KASTER, LLP

14 Attorneys for Plaintiff

15
16 **[PROPOSED] ORDER**

17 GOOD CAUSE APPEARING, IT IS SO ORDERED.

18
19 Dated: 11/16/11

20 Susan Illston

21
22 Honorable Susan Illston

