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6 Attorneys for Defendant  
 First Watch Restaurants, Inc.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 EQUAL EMPLOYMENT OPPORTUNITY  
 COMMISSION,  
 12  
 Plaintiff,  
 13  
 vs.  
 14 FIRST WATCH RESTAURANTS, INC.  
 15  
 Defendant.

No. 06-cv-6143 EMC  
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**STIPULATION AND ORDER RE  
 DISMISSAL  
 EXPIRATION OF CONSENT DECREE**

Defendant First Watch Restaurants, Inc., having complied in full with the settlement terms in the captioned matter, and having complied in full with the Consent Decree executed by United States Magistrate Judge Edward M. Chen on November 20, 2006, a true and correct copy of which is attached hereto as **Exhibit A**, it is hereby stipulated by and between counsel for the parties that:

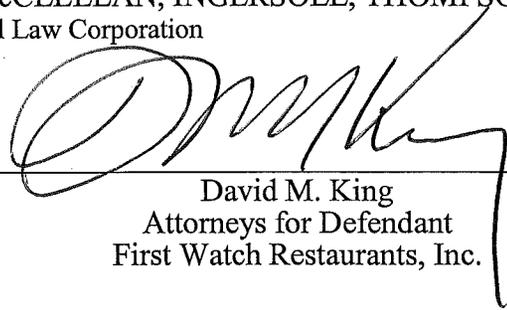
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- 1           1.       The jurisdiction of the court is terminated, save and accept for the dismissal of this
- 2 lawsuit;
- 3           2.       The Consent Decree expired on November 20, 2008; and
- 4           3.       This matter is dismissed with prejudice.

5 Dated: December 2, 2008

6 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN  
7 Professional Law Corporation

8  
9 By: \_\_\_\_\_



David M. King  
Attorneys for Defendant  
First Watch Restaurants, Inc.

10  
11 Dated: December 2, 2008

12 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

13  
14  
15 By: \_\_\_\_\_

/s/  
Marcia Mitchell  
Attorneys for Plaintiff  
Equal Employment Opportunity Commission

16  
17 **IT IS SO ORDERED:**

18 Dated: December 5, 2008

