

1 BANNING MICKLOW & BULL LLP
 Eugene A. Brodsky, SBN 36691
 2 Kurt Micklow, SBN 113974
 384 Embarcadero, Suite 200
 3 Oakland, California 94607
 Telephone: (510) 268-6180
 4 Facsimile: (510) 268-6181

5 KEMNITZER, ANDERSON, BARRON & OGILVIE, LLP
 Mark F. Anderson, SBN 44787
 6 445 Bush Street, 6th Floor
 San Francisco, CA 94108
 7 Telephone: (415) 861-2265
 Facsimile: (415) 861-3151

8 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 CLYDE WYLIE, TRACY)
 14 PEARSON and JAMES BUTCHER,)
)
 15 Plaintiffs,)
 16 vs.)
 17)
 18 FOSS MARITIME COMPANY, a)
 Washington corporation, and DOES)
 19 1-25, inclusive,)
 20 Defendants.)
 _____)
 21)

Case No. C06-7228-~~MJJ~~ MHP
**STIPULATION DISMISSING
 UNCERTIFIED CLASS CLAIMS**
Fed. R. Civ. P. 41(a)(1)(ii)

22 IT IS STIPULATED by and between Plaintiffs CLYDE WYLIE, TRACY
 23 PEARSON and JAMES BUTCHER and Defendant FOSS MARITIME COMPANY,
 24 by and through their respective counsel of record herein, that any and all uncertified
 25 class claims are hereby dismissed pursuant to Rule 41(a)(1)(ii) of the Federal Rules

26 ///
 27 ///

1 of Civil Procedure, each party to bear its own attorney's fees and costs.

2 DATED: May 28, 2009

By: /s/ Kurt Micklow

3 Kurt Micklow
4 Eugene A. Brodsky
5 BANNING MICKLOW & BULL LLP
6 384 Embarcadero, Suite 200
7 Oakland, California 94607
8 Tel: (510) 268-6180
9 Fax: (510) 268-6181

7 Mark F. Anderson
8 KEMNIZTER ANDERSON BARRON &
9 OLGILVIE
10 445 Bush St., 6th Floor
11 San Francisco, CA 94108
12 Tel: (415) 861-2265
13 Fax: (415) 861-3151

Attorneys for Plaintiffs

13 DATED: May 28, 2009

By: /s/ Julie A. Kole

14 Julie L. Taylor
15 Julie A. Kole
16 KEESAL, YOUNG & LOGAN
17 A Professional Corporation
18 450 Pacific Avenue
19 San Francisco, CA 94133
20 Tel: (415) 398-6000
21 Fax: (415) 981-0136

Attorneys for Defendant

22 June 30, 2009



28