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NATIONAL RAILROAD
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

12 MICHAEL TERRELL,

13 Plaintiff,

14 v.

15 NATIONAL RAILROAD PASSENGER
CORPORATION,

16 Defendant.
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Case No. 3:07-cv-05236 BZ

**STIPULATION AND ORDER OF
DISMISSAL**

Action Filed: October 12, 2007

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IT IS HEREBY STIPULATED by and between plaintiff MICHAEL TERRELL and defendant NATIONAL RAILROAD PASSENGER COMPANY, through their designated counsel, that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure, rule 41(a)(1). Each party agrees to bear their own costs.

DATED: December 17, 2008

PROVOST UMPHREY, LLP

By: Michael H. Hennen

MICHAEL HENNEN
Attorneys for Plaintiff
MICHAEL TERRELL

DATED: December 17, 2008

LOMBARDI, LOPER & CONANT, LLP

By: Liza Siu Mendoza

LIZA SIU MENDOZA
Attorneys for Defendant
NATIONAL RAILROAD
PASSENGER CORPORATION

IT IS SO ORDERED:

DATED: December 23 _____, 2008

Bernard Zimmerman

HONORABLE BERNARD ZIMMERMAN
UNITED STATES MAGISTRATE JUDGE