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5 Attorneys for Plaintiff,
 6 WASHINGTON MUTUAL BANK

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

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 11 WASHINGTON MUTUAL BANK, a
 federal savings bank, as successor at law to
 12 Long Beach Mortgage Company, a federal
 savings bank,

13 Plaintiff,

14 v.

15 FIDELITY CAPITAL FUNDING, INC., a
 16 California corporation,

17 Defendant.

CASE NO. CV08-1407

JUDGE: Edward M. Chen

**JOINT STIPULATION OF DISMISSAL
 WITH PREJUDICE, SUBMITTED BY
 PLAINTIFF WASHINGTON MUTUAL
 BANK ; ORDER**

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 19 **JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

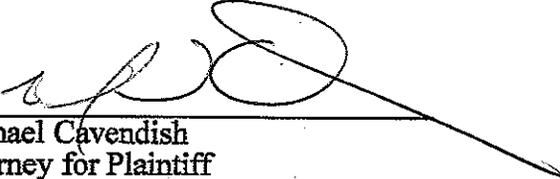
20 PLAINTIFF, WASHINGTON MUTUAL BANK, ("Washington Mutual"), and
 21 DEFENDANT FIDELITY CAPITAL FUNDING, INC. ("Fidelity") hereby jointly stipulate to
 22 the voluntary dismissal, with prejudice, of this action, pursuant to Fed. R. Civ. P.
 23 41(a)(1)(A)(ii).

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 25
 26 Respectfully submitted,

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Gunster, Yoakley & Stewart P.A.

Lewis Brisbois Bisgaard & Smith LLP

By: 
Michael Cavendish
Attorney for Plaintiff

By: 
Roger S. Raphael
Attorneys for Defendant

IT IS SO ORDERED:

Edward M. Chen
U.S. Magistrate Judge

