

1 the counter-claim, may be, and hereby is, dismissed with prejudice pursuant to Rule 41(a) of the
2 Federal Rules of Civil Procedure. The parties shall bear their own respective costs of suit.

3 Pursuant to local rules, this document is being electronically filed through the Court's
4 ECF System. In this regard, counsel for defendant hereby attests that (1) the content of this
5 document is acceptable to all persons required to sign the document; (2) plaintiff's counsel has
6 concurred with the filing of this document; and (3) a record supporting this concurrence is
7 available for inspection or production if so ordered.

8 ROBOOSTOFF & KALKIN

9
10 DATED: October 30, 2008

By: /s/ CONSTANTINE V. ROBOOSTOFF
CONSTANTINE V. ROBOOSTOFF
Attorneys for Plaintiff
SARAH HADASSAH HOFFMAN

13 RIMAC & MARTIN, P.C.

14
15 DATED: October 30, 2008

By: /s/ WILLIAM REILLY
WILLIAM REILLY
Attorneys for Defendants
SUTTER HEALTH and UNUM LIFE
INSURANCE COMPANY OF AMERICA

19 **ORDER**

20 IT IS SO ORDERED.

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22 DATED: Nov. 03, 2008

23 CHARLES R. BREYER
Federal Judge, U.S. District Court
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