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ANNETTE L. HURST (Bar No. 148738)
ELISABETH R. BROWN (Bar No. 234879)
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, CA 94105
Telephone: +1.415.773.5700
Facsimile: +1.415.773.5759
E-mail: AHurst@Orrick.com
EBrown@Orrick.com

Attorneys for Plaintiff
DAVID JAMES DUNCAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID JAMES DUNCAN,

Plaintiff,

v.

THOMAS A. COHEN, et al.,

Defendants.

Case No.: 3:08-cv-02243-BZ

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41**

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff David James Duncan and Defendants Thomas A. Cohen d/b/a Hammermark Productions, Kristi Denton Cohen d/b/a Peloton Productions, and Sierra Club (collectively, "the Defendants"), by and through their respective counsel of record, stipulate to the following:

WHEREAS, Plaintiff Duncan and the Defendants (collectively, "the Parties") have entered a settlement agreement resolving the claims for relief asserted in the above-captioned action;

WHEREAS, the Parties agree that this lawsuit should be dismissed with prejudice; and

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WHEREAS, the Parties have agreed and stipulated to the entry of this Order of Dismissal with Prejudice.

NOW THEREFORE, the Parties, by and through their counsel of record, agree and stipulate that this Order of Dismissal With Prejudice shall be entered and this case shall be dismissed with prejudice.

Dated: November 18, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Annette L. Hurst

Attorneys for Plaintiff David James Duncan

Dated: November 18, 2008

CREATIVE INDUSTRY LAW GROUP LLP

By: /s/ Lizbeth Hasse

Attorneys for Defendants Thomas A. Cohen and Kristi Denton Cohen

Dated: November 18, 2008

DAVIS WRIGHT TREMAINE LLP

By: /s/ Thomas R. Burke

Attorneys for Defendant Sierra Club

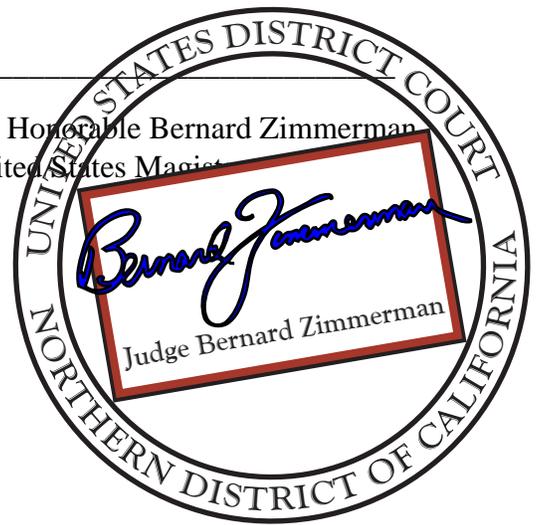
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~~PROPOSED~~ ORDER

IT IS SO ORDERED.

DATED: 11/26/08

The Honorable Bernard Zimmerman
United States Magistrate



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ATTESTATION OF E-FILED SIGNATURE

I, Annette L. Hurst, attest that Lizbeth Hasse and Thomas Burke have read and approved the attached Stipulation and Order of Dismissal With Prejudice.

/s/ Annette L. Hurst
ANNETTE L. HURST