

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 A Limited Liability Partnership  
 2 Including Professional Corporations  
 ROBERT J. STUMPF, JR., Cal. Bar No. 72851  
 3 [rstumpf@sheppardmullin.com](mailto:rstumpf@sheppardmullin.com)  
 STEVEN WINICK, Cal. Bar No. 160815  
 4 [shwinick@sheppardmullin.com](mailto:shwinick@sheppardmullin.com)  
 Four Embarcadero Center, 17th Floor  
 5 San Francisco, California 94111-4109  
 Telephone: 415-434-9100  
 6 Facsimile: 415-434-3947

7 Attorneys for RESPONDENT  
 ANTHONY H. THOLE

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 FISHER INVESTMENTS, INC., a California  
 Corporation,  
 13  
 14 Petitioner,  
 15 v.  
 16 ANTHONY H. THOLE, an individual,  
 17 Respondent.

Case No. 08-2872 SC  
**STIPULATION OF DISMISSAL**  
 The Hon. Samuel Conti

18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STIPULATION**

The parties, by and through their respective counsel of record, stipulate to the dismissal without prejudice of the present action.

Dated: November 13, 2008

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By \_\_\_\_\_ /s/  
STEVEN WINICK

ATTORNEYS FOR RESPONDENT  
ANTHONY H. THOLE

Dated: November 13, 2008

DUCKOR SPRADLING METZGER & WYNNE

By \_\_\_\_\_ /s/  
SCOTT METZGER

ATTORNEYS FOR PETITIONER  
FISHER INVESTMENTS, INC.

