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 6 YOLANDA FOSTER

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UNITED STATES DISTRICT COURT

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IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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YOLANDA FOSTER

) Case No. CV083740-EMC

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Plaintiff,

) **STIPULATION FOR DISMISSAL
WITH PREJUDICE; [PROPOSED]
ORDER**

13

v.

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ROTECH HEALTHCARE, INC.

) (FED. R. CIV. P., Rule 41(a))

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Defendant.

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Plaintiff YOLANDA FOSTER and defendant ROTECH HEALTHCARE INC, by and

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through their respective counsel, hereby stipulate that the above-captioned action be dismissed

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with prejudice, each side to bear its own costs and attorneys' fees.

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DATED: November 28, 2008

THE LEGAL AID SOCIETY-
EMPLOYMENT LAW CENTER

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By ES
Elizabeth Kristen
Attorneys for Plaintiff
YOLANDA FOSTER

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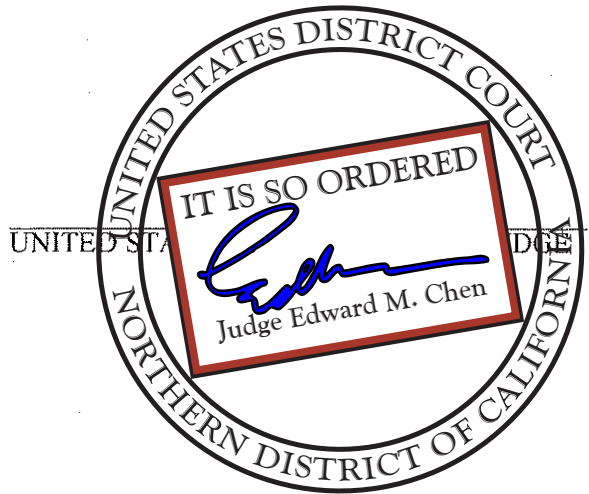
1 DATED: November 28, 2008

SEYFARTH SHAW LLP

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By MS/
Mark P. Grajski
Kristina M. Launey
Attorneys for Defendant
ROTECH HEALTHCARE INC.

IT IS SO ORDERED.



PROOF of SERVICE

I, Djuna Gray, declare:

I am a citizen of the United States, over 18 years of age, employed in the County of San Francisco, and not a party to or interested in the within entitled action. I am an employee of The LEGAL AID SOCIETY OF SAN FRANCISCO-EMPLOYMENT LAW CENTER, and my business address is 600 Harrison Street, Suite 120, San Francisco, California 94107.

On December 1, 2008 I served the following document:

Stipulation for Dismissal with Prejudice; (Proposed) Order


by transmitting via the Court's CM/ECF electronic transmission system

by placing the document(s) listed above in a sealed envelope and causing the envelope to be delivered by U.S. Mail to:

Attorney for Defendant:

**Kristina Launey
Seyfarth Shaw
400 Capitol Mall
Suite 2350
Sacramento , CA 95814-4428
Phone: (916) 448-0159
Fax: (916) 558-4839**

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct. Executed on December 1, 2008 at San Francisco, California.


Djuna Gray