

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
 JAMES J. S. HOLMES Bar No. 126779
 2 AMBER RYE BRUMFIEL Bar No. 215181
 DIANA L. GESEKING Bar No. 252860
 3 One Market Plaza
 Steuart Tower, 8th Floor
 4 San Francisco, California 94105
 Telephone: (415) 781-7900
 5 Facsimile: (415) 781-2635

6 Attorneys for Defendant and Counterclaimant MAGENTA, INC.
 and Defendants ANNE SHAY and HOMEGOODS, INC
 7
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 BARBARA KELLER, an individual,
 12 Plaintiff,
 13 v.
 14 MAGENTA, INC., a California
 corporation; ANNE SHAY, an individual;
 15 and
 16 HOMEGOODS, INC., a Delaware
 corporation,
 17 Defendants.

Case No. CV 08 4057 CRB

**STIPULATION AND ORDER OF
 DISMISSAL OF ACTION AND
 COUNTERCLAIM WITH PREJUDICE**

[FRCP 41(a)(1) * (c)]

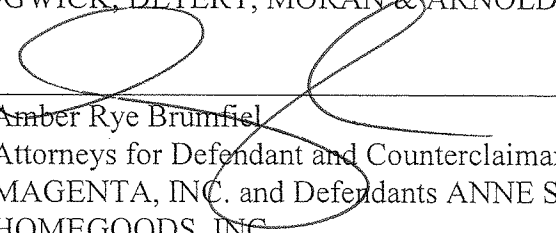
18 And Related Counterclaim
 19

20
 21
 22
 23
 24
 25
 26
 27
 28

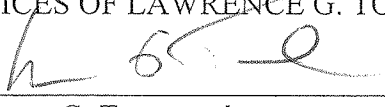
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY STIPULATED, by and between the parties to this action, pursuant to their Confidential Settlement Agreement and Release, through their attorneys of record, that the entire action herein, including the First Amended Complaint filed by plaintiff Barbara Keller ("Keller") against defendant and counterclaimant Magenta, Inc. ("Magenta"), and defendants Anne Shay and HomeGoods Inc. ("Shay" and "HomeGoods", respectively) and the Counterclaim filed by Magenta against Keller, be dismissed with prejudice pursuant to Rule 41(a)(1) and (c) of the Federal Rules of Civil Procedure, with each party to bear its own attorneys' fees and costs.

Dated: ~~October 11~~, 2009
December

SEDGWICK, DETERT, MORAN & ARNOLD LLP
By: 
Amber Rye Brumfiel
Attorneys for Defendant and Counterclaimant
MAGENTA, INC. and Defendants ANNE SHAY and
HOMEGOODS, INC.

December
Dated: ~~October 14~~, 2009

LAW OFFICES OF LAWRENCE G. TOWNSEND
By: 
Lawrence G. Townsend
Attorneys For Plaintiff and Counterdefendant
BARBARA KELLER

Pursuant to stipulation of the parties, and Rule 41(a)(1) and (c) of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED that the entire action herein, including the First Amended Complaint filed by Keller against Magenta, Shay and HomeGoods, and the Counterclaim filed by Magenta against Keller, be, and hereby is, DISMISSED WITH PREJUDICE, each party to bear its own attorneys' fees and costs.

December 16,
DATED: ~~October 16~~, 2009

