IT IS STIPULATED AND AGREED, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, by and between Plaintiff JOHN MARTIN and Defendant RICOH AMERICAS CORPORATION as follows:

- 1. This action was commenced in California state court on September 17, 2008 and timely removed to this Court on October 22, 2008;
- 2. This action is not a class action; a receiver has not been appointed; and the action is not governed by any statute of the United States that requires an order of the court for dismissal;
- 3. This action is hereby dismissed, in its entirety, with prejudice. Each party is to bear her or its own attorney's fees and costs.

GWILLIAM, IVARY, CH	IIOSSO, CAVALLI & BREWER
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By:

J. Gary Gwilliam Randall E. Strauss Attorneys for Plaintiff JOHN MARTIN

JACKSON LEWIS LLP

By:

Robert M. Pattison

Attorneys for Defendant RICOH AMERICAS CORPORATION

IT IS SO ORDERED:

Edward M. Chen

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U.S. Magistrate

STIPULATION OF DISMISSAL Case No. CV-08-04853 EMC