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 LAWRENCE CAMPBELL, et al



16 UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 LAWRENCE CAMPBELL, TYSON
 KING, JOHN TOKACH, ROBERT
 20 GARRIS, STEWART PATEY, EUGENE
 PIERCE, DON SUTTON, STEVEN
 21 HOLMAN on their behalf and on behalf of
 all others similarly situated,

22 Plaintiffs,

23 vs.

24 SLEEP TRAIN, INC., dba SLEEP TRAIN
 25 MATTRESS CENTERS, MATTRESS
 DISCOUNTERS, SLEEP COUNTRY
 26 USA, and SLEEP TRAIN DEPOT, and
 Does 1 through 60 inclusive,

27 Defendants.
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Case No. C 08-05759 VRW

STIPULATION OF DISMISSAL

Amended Complaint Filed: March 3, 2009

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Plaintiffs Lawrence Campbell, Tyson King, John Tokach, Robert Garris, Stewart Patey, Eugene Pierce, Don Sutton, and Steven Holman, (“Plaintiffs”), and Defendants, The Sleep Train, Inc. and Sleep Country USA, LLC, have agreed to dismiss Civil Action No. C 08-5759 in its entirety with each party bearing its own costs and attorney’s fees, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii). The parties further agree not to use the dismissal as a “first dismissal” under Federal Rule of Civil Procedure 41(a)(1)(B) and that this dismissal shall have no effect on claims not asserted herein.

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Dated: May 8, 2009

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ John Fox
John C. Fox
Alison S. White
Attorneys for Defendants,
THE SLEEP TRAIN, INC. and SLEEP COUNTRY
USA, LLC

Dated: May 8, 2009

LAW OFFICES OF DANIEL BERKO

By: /s/ Daniel Berko
Daniel Berko
Attorneys for Plaintiffs,
LAWRENCE CAMPBELL, et al

Dated: May 8, 2009

LAW OFFICES OF BURKE HANSEN

By: /s/ Burke Hansen
Burke Hansen
Attorneys for Plaintiffs,
LAWRENCE CAMPBELL, et al

*Pursuant to General Order No. 45, Section X(B) regarding signatures, John C. Fox hereby attests that concurrence
in the filing of this document has been obtained.*