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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK BIGGINS, et al.,

Plaintiffs,

No. 09-01272 JSW

v.

**ORDER OF DISMISSAL**

WELLS FARGO & COMPANY, et al.,

Defendants.

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On July 27, 2009, this Court issued an Order granting, in part, various motions to dismiss and dismissing Plaintiffs' Second Amended Complaint. The Court also granted Plaintiffs leave to file a third amended complaint by no later than August 26, 2009, and it advised Plaintiffs that if they chose not to file an amended complaint, the Court would dismiss all claims with prejudice without further notice to the Plaintiffs. As of the date of this Order, Plaintiffs have neither filed a Third Amended Complaint nor sought an extension of time to do so. Accordingly, the Joint Motion to Dismiss filed this date is GRANTED, and pursuant to the Court's Order dated July 27, 2009, this matter is HEREBY DISMISSED WITH PREJUDICE. A separate Judgment shall issue, and the Clerk is directed to close the file.

**IT IS SO ORDERED.**

Dated: September 2, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE