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14 Attorneys for Defendant,
 15 OFFICE DEPOT, INC.

16 IN THE UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO BRANCH

18 DANIEL IMPEY,

19 Plaintiff,

20 vs.

21 OFFICE DEPOT, INC., AND DOES 1-100,
 22 INCLUSIVE,

23 Defendants.

No. C09-01973 EDL

**STIPULATION AND REQUEST FOR
 WITHDRAWAL OF DEFENDANT'S BILL OF
 COSTS AND ORDER TAXING COSTS;
~~PROPOSED~~ ORDER**

Courtroom: E
 Judge: Elizabeth Laporte

24
 25 WHEREAS, the Court entered final judgment in this action on September 19, 2011;

26 WHEREAS, on October 3, 2011, Defendant filed and served its Bill of Costs;

27 WHEREAS, Local Rule 54-2(a) provides that the party against whom costs are claimed, has
 28 14 days in which to serve and file any objections to the Bill of Costs;

1 WHEREAS, counsel for the parties met and conferred in good faith regarding Defendant's Bill
2 of Costs and reached an agreement, whereby Defendant was to its Bill of Costs in exchange for
3 Plaintiff waving his right to pursue any appeal from the judgment entered in favor of Defendant and
4 against Plaintiff in this matter;

5 WHEREAS, on October 14, 2011, Defendant was about to withdraw its Bill of Costs;

6 WHEREAS, on October 14, 2011, the Clerk taxed costs against Plaintiff;

7 THEREFORE, the parties stipulate and request that the Court strike the Order taxing costs
8 against Plaintiff, entered on October 14, 2011.

9 The parties further stipulate and request that: Defendant's Bill of Costs is withdrawn.

10 In exchange, Plaintiff agrees to refrain from and otherwise waive his right to pursue any appeal
11 from the judgment entered in favor of Defendant and against Plaintiff in this matter.

12 It is further understood and agreed that this agreement is not intended to affect the judgment as
13 entered on September 19, 2011, which judgment shall stand.

14 **IT IS SO STIPULATED.**

15
16 Dated: October 14, 2011

15 /s/ Mythily Sivarajah
16 _____
17 DAVID J. BECHT
18 MICHAEL SACHS
19 MYTHILY SIVARAJAH
20 ADAMS | NYE | BECHT LLP
21 Attorneys for Plaintiff
22 DANIEL IMPEY

20
21 Dated: October 14, 2011

20 /s/ Gregory Iskander
21 _____
22 MICHAEL E. BREWER
23 GREGORY ISKANDER
24 LITTLER MENDELSON
25 Attorneys for Defendant
26 OFFICE DEPOT, INC.

24 **ORDER**

25 PURSUANT TO STIPULATION IT IS SO ORDERED.

26 Dated: October 17, 2011

26 *Elizabeth D. Laporte*
27 _____
28 ELIZABETH D. LAPORTE
United States Magistrate Judge