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

KENDRICK PATTERSON, ADAM
BERGMAN, MICHAEL ATTIANESE,
ANDREA LEVY, DARYL YEAKLE, and
RAYMOND R. PLANTE, each individually,
and on behalf of all others similarly situated
and the general public,

Plaintiffs,

vs.

STEPHEN V. O'NEAL, individually and on
behalf of those similarly situated; THOMAS
HILL, individually and on behalf of those
similarly situated; ELLEN L. BASTIER,
individually and on behalf of those similarly
situated; MARK WEITZEL, individually and
on behalf of those similarly situated; JULIAN
MILLSTEIN, individually and on behalf of
those similarly situated; JEFFREY STEINER,
individually and on behalf of those similarly
situated; and DAVID P. GRAYBEAL,
individually and on behalf of those similarly
situated; ORRICK, HERRINGTON &
SUTCLIFFE LLP, a limited liability
partnership, DLA PIPER LLP, a limited liability
partnership, NIXON PEABODY LLP, a limited
liability partnership, HOWREY LLP, a limited
liability partnership, and MORGAN LEWIS &
BOCKIUS LLP, a limited liability partnership,

Defendants.

Case No. 09-cv-03031-SC

**PLAINTIFFS' NOTICE OF
VOLUNTARY DISMISSAL OF
CERTAIN DEFENDANTS WITH
PREJUDICE AND STIPULATED
WAIVER OF COSTS**

1 THE PARTIES HERETO, THROUGH THEIR UNDERSIGNED
2 COUNSEL OF RECORD, STIPULATE AS FOLLOWS:

3
4 Pursuant to Federal Rule of Civil Procedure 41(a)(1), it is hereby stipulated
5 and agreed, by and among Plaintiffs KENDRICK PATTERSON, ADAM
6 BERGMAN, MICHAEL ATTIANESE, ANDREA LEVY, DARYL YEAKLE, and
7 RAYMOND R. PLANTE and Defendants MARK WEITZEL and ORRICK,
8 HERRINGTON & SUTCLIFFE LLP, a limited liability partnership, that plaintiffs
9 voluntarily dismiss all claims in the above-captioned action as to defendants
10 Orrick, Herrington & Sutcliffe LLP and Mark Weitzel with prejudice. Each party
11 is to bear his, her or its own attorneys' fees and costs.

12
13 Pursuant to Local Rule 7-7(e), Defendant Orrick, Herrington & Sutcliffe
14 LLP withdraws its motion for sanctions, scheduled for hearing on February 5,
15 2010.

16
17 Dated: January 21, 2010

BLUM COLLINS LLP

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19 By /s/ Craig M. Collins



CRAIG M. COLLINS
Attorneys for Plaintiffs Kendrick
Patterson, Adam Bergman, Michael
Attianese, Andrea Levy, Daryl Yeakle
and Raymond Plante

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Dated: January 21, 2010

HOWARD RICE NEMROVSKI CANADY
FALK & RABKIN LLP

By: /s/Jonathan W. Hughes

Jonathan W. Hughes
Attorneys for Defendants Mark Weitzel and
Orrick, Herrington & Sutcliffe LLP