

1 SHEPPARD, MULLIN, RICHTER HAMPTON LLP  
 A Limited Liability Partnership  
 2 Including Professional Corporations  
 JENNIFER G. REDMOND, Cal. Bar No. 144790  
 3 jredmond@sheppardmullin.com  
 MORGAN P. FORSEY, Cal. Bar No. 241207  
 4 mforsey@sheppardmullin.com  
 Four Embarcadero Center, 17th Floor  
 5 San Francisco, California 94111-4109  
 Telephone: 415-434-9100  
 6 Facsimile: 415-434-3947

7 Attorneys for ELSEVIER INC.

8 KUMIN SOMMERS LLP  
 STEPHEN A. SOMMERS, SBN 225742  
 9 JOSEPH CLAPP, SBN 99194  
 RORY QUINTANA, SBN 258747  
 10 870 Market Street, Ste. 1154  
 San Francisco, CA 94102  
 11 (415) 434-4500 (Tel.)  
 (415) 434-8453 (Fax)

12 Attorneys for MICHELLE RESSLER

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 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

18  
 19 MICHELLE RESSLER,  
 20 Plaintiff,  
 21 v.  
 22 ELSEVIER INC., a New York corporation,  
 and DOES 1 through 10, inclusive,  
 23 Defendant.

Case No. 3:09-cv-03349 JL  
**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR DISMISSAL OF  
 COMPLAINT WITH PREJUDICE  
 PURSUANT TO FRCP 41**

25 WHEREAS, on June 1, 2010, Plaintiff Michelle Ressler ("Plaintiff" or "Ressler")  
 26 and Defendant Elsevier Inc. ("Defendant" or "Elsevier") (collectively, the "Parties")  
 27 participated in court ordered mediation at which time they agreed to fully settle the instant  
 28 action;

1 WHEREAS, the Parties subsequently entered into a settlement and executed a  
2 Settlement Agreement and Release of All Claims resolving all of Plaintiff's claims against  
3 Defendant, including all claims arising under the Fair Labor Standards Act of 1938  
4 ("FLSA"), as amended 29 U.S.C. § 201, *et. seq.*, in exchange for valuable consideration;

5 NOW THEREFORE, the Parties hereby jointly and respectfully request that the  
6 Court, pursuant to Federal Rule of Civil Procedure 41(a)(1), discontinue and dismiss with  
7 prejudice the above titled-action as to all parties, with each party bearing her or its own  
8 fees and costs, except as provided for in the Settlement Agreement and Release of All  
9 Claims entered into between the parties.

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11  
12 Dated: July 2, 2010

13 KUMIN SOMMERS LLP

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15 By           /s/ Stephen Sommers (with permission)            
16 STEPHEN SOMMERS

17 Attorneys for MICHELLE RESSLER

18 Dated: July 2, 2010

19 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

20 By           /s/ Morgan Forsey            
21 JENNIFER G. REDMOND  
22 MORGAN P. FORSEY

23 Attorneys for ELSEVIER INC.  
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~~PROPOSED~~ ORDER

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2 Having been advised by the Parties that a Settlement Agreement and Release of All  
3 Claims was entered into, pursuant to which Ms. Ressler has agreed to release all claims,  
4 including all claims arising under the Fair Labor Standards Act of 1938 ("FLSA"), as  
5 amended 29 U.S.C. § 201, *et. seq.*, against Elsevier Inc. in exchange for valuable  
6 consideration, the matter of *Ressler v. Elsevier Inc., et. al.*, United States District Court,  
7 Northern District of California, Case No. 3:09-cv-03349 JL, is, by reason of the settlement,  
8 hereby dismissed with prejudice in its entirety as to all parties.  
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11 **IT IS SO ORDERED.**

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13 Dated: July 12, 2010 \_\_\_\_\_

  
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Hon. James Larson  
United States District Court

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