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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 **LEE KEMP, individually and on behalf of**
19 **all others similarly situated, the general**
20 **public, and as an "aggrieved employee"**
21 **under the California Labor Code Private**
22 **Attorney General Act,,**

23 **Plaintiff,**

24 **v.**

25 **INTERNATIONAL BUSINESS**
26 **MACHINES CORP., a New York**
27 **Corporation, and DOES 1-50, inclusive,**

28 **Defendant.**

Case No. CV 09-03683-EMC

**STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE
PURSUANT TO FRCP 41(A)(1)(A)(II)**

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Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and by stipulation of counsel for all parties who have appeared in the action, plaintiff Lee Kemp hereby dismisses the above-captioned action, with prejudice. The parties shall bear their own attorneys' fees and costs.

IT IS SO STIPULATED.

Dated: November 29, 2011

JONES DAY

By: Matthew W. Lampe
Matthew W. Lampe

Attorneys for Defendant
INTERNATIONAL BUSINESS MACHINES

Dated: November 22, 2011

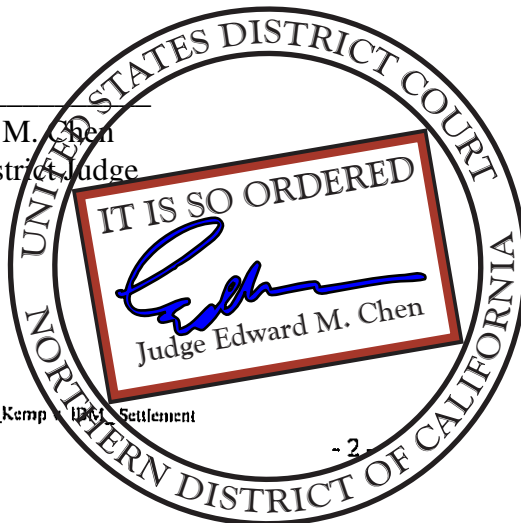
THIERMAN LAW FIRM, P.C.

By: Joshua D. Buck
Joshua D. Buck
Attorney for Plaintiff

NY1-4407333v3

IT IS SO ORDERED:

Edward M. Chen
U.S. District Judge



NY1-NY1_4407333_1_Kemp v. IBM Settlement Agreement (2)

STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE