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16 **Attorneys for Defendant**
Target Corporation

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20

21 BISCOTTI, INC., a California Corporation,
 22 Plaintiff,
 23 vs.
 24 TARGET CORPORATION, a Minnesota
 Corporation,
 25 Defendants.

Case No. 3:09-cv-03852-RS
**STIPULATION AND ORDER OF
 DISMISSAL WITH PREJUDICE**

26
 27 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, and pursuant to a
 28 settlement reached on April 16, 2010 by and between the parties to the above-entitled action which

1 is reflected in a written settlement agreement, plaintiff Biscotti, Inc. and defendant Target
2 Corporation, the parties, by and through their counsel of record, hereby stipulate and agree that the
3 above-entitled action shall be, and hereby is, DISMISSED WITH PREJUDICE. Each of the
4 parties shall bear his or its own attorneys' fees and costs. The Court shall retain jurisdiction to
5 enforce the settlement.

6 IT IS SO STIPULATED.

7 Respectfully submitted,

8 DATED: April 30, 2010

NIXON PEABODY, LLP

9 By _____ /s/ _____

10 John A. Chatowski
11 Attorneys for Plaintiff Biscotti, Inc.

12 DATED: April 30, 2010

DRAPER LAW OFFICES

13
14 By _____ /s/ _____

15 Ann McFarland Draper
16 Attorneys for Defendant Target Corporation

17 GENERAL ORDER 45 CERTIFICATION

18 I, John A. Chatowski, hereby attest pursuant to N.D. Cal. General Order No. 45 that the
19 concurrence to the filing of this document has been obtained from each signatory hereto.

20 DATED: April 30, 2010

NIXON PEABODY, LLP

21
22 By _____ /s/ _____

23 John A. Chatowski
24 Attorneys for Plaintiff Biscotti, Inc.

1 **ORDER**

2 Plaintiff Biscotti, Inc. and defendant Target Corporation, being all of the parties of record
3 in this action, having reached a settlement which is reflected in a written settlement agreement,
4 and having stipulated by and through their counsel of record, and the Court having accepted the
5 stipulation of the parties.

6 IT IS HEREBY ORDERED that the above-entitled action shall be, and hereby is,
7 DISMISSED WITH PREJUDICE.

8 IT IS FURTHER ORDERED that each of the parties shall bear his or its own attorneys'
9 fees and costs, and that the Court shall retain jurisdiction to enforce the settlement.

10 IT IS SO ORDERED.

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12 Dated: 4/30, 2010

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UNITED STATES DISTRICT COURT JUDGE