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5 Attorneys for Plaintiffs

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7

8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

11 JAMES ELLSWORTH and GLORIA   ) Case No.: CV 09-03940 EMC
   ELLSWORTH,   )
12   ) **STIPULATION REGARDING**
13   Plaintiffs,   ) **DEFENDANT DETROIT DIESEL**
) **CORPORATION'S NOTICE OF**
14   vs.   ) **FEDERAL REMOVAL** ; ORDER
)
15 AC and S, INC., et al,   ) Complaint Filed: August 21, 2008
) Trial Date: April 10, 2009
16   Defendants.   )
)
17 _____)

18

19   Plaintiffs JAMES ELLSWORTH AND GLORIA ELLSWORTH ("Plaintiffs") and

20 defendant DETROIT DIESEL CORPORATION ("Detroit Diesel"), by and through their

21 attorneys of record, stipulate and agree as follows:

22   1.   Prior to filing for bankruptcy, General Motors Corporation on behalf of Detroit

23 Diesel Corporation agreed to settle Plaintiffs' claims against Detroit Diesel Corporation.

24 Plaintiffs have agreed to pursue the settlement funds and claims against Detroit Diesel

25 Corporation solely through the bankruptcy court as part of the Motors Liquidation Corporation

26 bankruptcy.

27   2.   Therefore, Plaintiffs and Detroit Diesel Corporation have agreed to dismiss this

28 federal court action with prejudice, with each side to bear their own costs. The parties hereby

         STIPULATION RE: DETROIT DIESEL'S NOTICE OF FEDERAL REMOVAL

                                       1

1 agree that the above-captioned action is dismissed and discontinued

2 with prejudice, as to Defendant Detroit Diesel Corporation only, pursuant to Rule 41(a) of the

3 Federal Rules of Civil Procedure.

4   3.   Plaintiffs also agreed to dismiss Detroit Diesel with prejudice from the related

5 state court action, with each side to bear their own costs.

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7   IT IS SO STIPULATED.

8   HAROWITZ & TIGERMAN, LLP

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10 Dated: 9/9/09
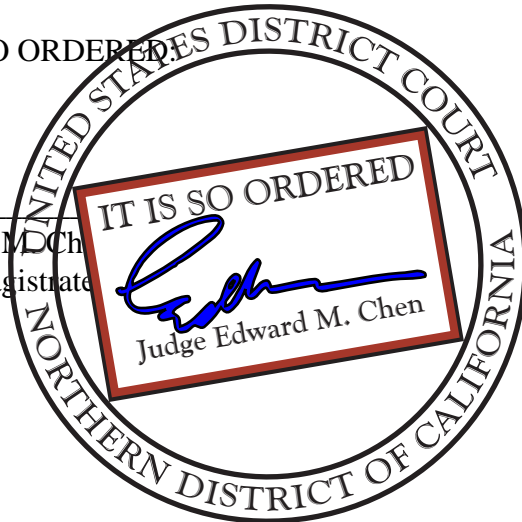
11   Mia Mattis
                                        Attorney for Plaintiffs

12

13   LANKFORD & CRAWFORD, LLP

14

15 Dated: 9/9/09

16   Paul V. Lankford
                                        Attorney for Detroit Diesel Corporation

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18 IT IS SO ORDERED.

19

20

21 _____
      Edward M. Chen

22   U.S. Magistrate

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STIPULATION RE: DETROIT DIESEL'S NOTICE OF FEDERAL REMOVAL

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