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5 Attorney for Plaintiff WELLLIVING
CORPORATION, a California corporation
6 dba MVP INTERACTIVE

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 WELLLIVING CORPORATION, a
11 California corporation dba MVP
INTERACTIVE SPORTS,

12 Plaintiff,

13 vs.

14 BUDDY CARDIEL, an individual, LISA
15 WILEY, an individual, POWEREDGE
BASEBALL, and DOES 1-10

16 Defendants.
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Case No: CV 09-5101 MEJ

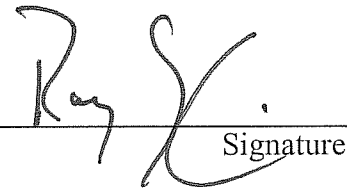
The Honorable Maria-Elena James

**REQUEST FOR DISMISSAL AS TO
DEFENDANT BUDDY CARDIEL
WITHOUT PREJUDICE and
~~PROPOSED~~ ORDER**

ORDER CLOSING FILE

18 IT IS HEREBY REQUESTED by Plaintiff to this action, WELLLIVING
19 CORPORATION, a California corporation dba MVP INTERACTIVE SPORTS, through their
20 counsel of record that the above-captioned action be and hereby is dismissed without prejudice
21 as to Defendant BUDDY CARDIEL only, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules
22 of Civil Procedure. Each party to waive its rights to appeal and bear its own costs and attorney's
23 fees.

24 Date: April 8, 2010 Plaintiff's Counsel


Signature

25
26 Plaintiff's Counsel

Ray K. Shahani, Esq.

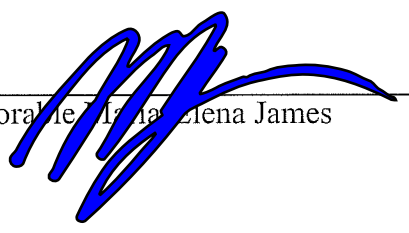
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IT IS HEREBY ORDERED THAT the above-captioned action be and hereby is dismissed as to Defendant Buddy Cardiel only without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The parties will bear their own attorney's fees and costs of suit. As all defendants have been dismissed, the Clerk of Court shall close the file.

Date: April 12, 2010



Honorable Magistrate Elena James