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9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

12 RICHARD ALBAUGH, Individually,  
 13 Plaintiff,

14 v.

15 BANK OF AMERICA, N.A.; FIA CARD  
 16 SERVICES, NATIONAL  
 17 ASSOCIATION; and DOES 1 - 100,  
 18 Defendants.

Case No. 3:10-cv-00653-JCS

19 **STIPULATION OF VOLUNTARY**  
 20 **DISMISSAL WITH PREJUDICE**

21 Magistrate Judge Joseph C. Spero

1 TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT in accordance with Rule 41(a)(1)(A)(ii) of the Federal  
3 Rules of Civil Procedure, plaintiff Richard Albaugh hereby dismisses, with prejudice, his  
4 complaint against defendants Bank of America, N.A. and FIA Card Services, N.A. in the above-  
5 captioned case. Each party shall bear its own costs and attorneys fees.  
6

7 Although this case was filed as a class action, it was never certified. Further, although  
8 there were previously other plaintiffs in this action, the only current plaintiff is Richard Albaugh.  
9 Therefore, this dismissal terminates this action.  
10

11 Dated: October 9, 2012

GLANCY BINKOW & GOLDBERG LLP

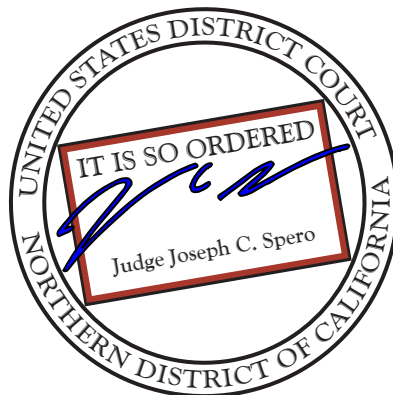
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*Attorneys for Plaintiff Richard Albaugh*

21 Dated: October 9, 2012

BRYAN CAVE LLP

22 Dated: 10/22/12



23 By: s/ Jennifer A. Jackson  
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*Attorneys for Defendants Bank of America,  
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Association*

1               **PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO NORTHERN**  
2                       **DISTRICT OF CALIFORNIA LOCAL RULE 5-1**

3               I, the undersigned, say:

4               I am a citizen of the United States and am employed in the office of a member of the Bar of  
5 this Court. I am over the age of 18 and not a party to the within action. My business address is 1925  
6 Century Park East, Suite 2100, Los Angeles, California 90067.

6               On October 17, 2012, I caused to be served the following document:

7                       **STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

8               By posting the document to the ECF Website of the United States District Court for the  
9 Northern District of California, for receipt electronically by the parties as reflected on the  
10 attached Court's Service List.

11               There are no non-ECF registered parties in this action.

12               I certify under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct. Executed on October 17, 2012, at Los Angeles, California.

14                                       *s/ Kevin F. Ruf*

15                                       Kevin F. Ruf  
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## Mailing Information for a Case 3:10-cv-00653-JCS

### Electronic Mail Notice List

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)