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 8 **UNITED STATES DISTRICT COURT**
 9
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 FRANCES HRUSKA, Individually and as
 12 Successor-In-Interest to DENNIS HRUSKA;
 DONALD HRUSKA; DOUGLAS HRUSKA;

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14 Plaintiffs,

15 vs.

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17 A.W. CHESTERTON COMPANY, et al.,

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19 Defendants.
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Case No. 3:10-cv-2214 SI

**[PROPOSED] ORDER DISMISSING
 FOSTER WHEELER LLC WITH
 PREJUDICE AND REMANDING CASE TO
 CALIFORNIA SUPERIOR COURT**

Judge: Hon. Susan Illston
 Courtroom: 10

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WHEREAS, Plaintiffs and Foster Wheeler LLC do and hereby stipulate that Foster Wheeler LLC should be dismissed from this action with prejudice pursuant to FRCP 41(a)(2); the parties will bear their own costs; Plaintiffs and removing party, Foster Wheeler LLC, consent to and request the immediate remand of this action to Superior Court of California, City and County of San Francisco under these terms.

Accordingly, Plaintiffs and Foster Wheeler LLC petition this Court for an order dismissing Foster Wheeler, LLC with prejudice with the parties bearing their own costs, and remanding this case to Superior Court of California, City and County of San Francisco pursuant to this stipulation.

IT IS SO ORDERED:

Dated: _____



Judge of the United States District Court