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9 Attorneys for Defendant  
 10 BMW OF NORTH AMERICA, LLC

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14 NICOLOSI DISTRIBUTING, INC.,  
 15  
 Plaintiff,  
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 v.  
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 BMW OF NORTH AMERICA, LLC,  
 18  
 Defendant.  
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CASE NO. 10-cv-03256-SI

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Dept.: Courtroom 10  
Judge: Honorable Susan Illston

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1 Plaintiff, Nicolosi Distributing, Inc., and Defendant BMW of North America, LLC,  
2 by their undersigned attorneys, hereby stipulate, pursuant to Federal Rule of Civil  
3 Procedure 41(a)(1)(A) that this action be dismissed with prejudice and without costs or  
4 attorneys' fees.

5  
6 DATED: September 29, 2011

BERKOWITZ OLIVER WILLIAMS  
SHAW & EISENBRANDT LLP

7  
8 By: s/ Stephen M. Bledsoe  
9 STEPHEN M. BLEDSOE  
10 Attorneys for BMW of North America, LLC

11 DATED: September 29, 2011

FRANCK AND ASSOCIATES

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13 By: s/ Herman Franck  
14 Herman Franck  
15 Attorneys for Nicolosi Distributing, Inc.



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