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10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14  
 15 ROBERT BADELLA, *et al.*,  
 16 Plaintiffs,  
 17 v.  
 18 DENIRO MARKETING, LLC, *et al.*,  
 19 Defendants.

Case No. 3:10-cv-03908-CRB

Hon. Charles R. Breyer

**STIPULATED DISMISSAL OF ENTIRE  
 ACTION WITH PREJUDICE PURSUANT  
 TO FEDERAL RULES OF CIVIL  
 PROCEDURE RULE 41(a)**

1 WHEREAS, on November 4, 2011, this Court issued an Order Denying Motion for Class  
2 Certification and Motion to Amend Complaint, without prejudice, Docket No. 122 (the "Order"), on  
3 the basis that Plaintiffs Robert Badella, Robert Langford, Michael Shane York, And Robert W. Jeffries  
4 ("Plaintiffs") failed to meet their burden under Federal Rules of Civil Procedure Rule 23.

5 WHEREAS, Plaintiffs and their attorneys now understand and agree that they cannot meet their  
6 burden under Rule 23 on a renewed motion, as they cannot demonstrate that questions of law or fact  
7 common to the members of the purported class predominate over any questions affecting only  
8 individual members, and that a class action is superior to other available methods for the fair and  
9 efficient adjudication of the controversy.

10 WHEREAS, subsequent to this Court's Order, the Parties have reached a settlement in  
11 principal of this matter that calls for immediate dismissal of the entire action by Plaintiffs.

12 THEREFORE, Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiffs and Defendants  
13 Allan Henning, Deniro Marketing, LLC, Deltabreeze Holdings Ltd., and Modena Marketing Inc.,  
14 hereby stipulate that the entire action and all of Plaintiffs' claims and causes of action against all  
15 defendants are hereby dismissed with prejudice.

16  
17 Dated: January 20, 2012

GARBARINI LAW GROUP P.C.

18 By: \_\_\_\_\_/s/  
19 Richard Garbarini  
20 Attorneys for Plaintiffs

21 Dated: January 20, 2012

THE KAUFMAN LAW GROUP

22 By: \_\_\_\_\_/s/  
23 Gary Jay Kaufman , with permission  
24 Attorneys for Defendants

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26  
27 DATED: January 23, 2012

28 HON. CHARLES R. BREYER  
United States District Court  
Northern District of California

