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11 Attorneys for INTERNATIONAL
BUSINESS MACHINES

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 DOAA VOLLMAR,

15 PLAINTIFF,

16 v.

17 INTERNATIONAL BUSINESS MACHINES
18 CORPORATION, a New York corporation
19 and DOES 1-20,

20 DEFENDANTS.

CASE NO: C-11-0629-MMC

**STIPULATION OF DISMISSAL
AND ORDER**

21 Plaintiff DOAA VOLLMAR ("Plaintiff") and Defendant INTERNATIONAL
22 BUSINESS MACHINES CORPORATION (hereinafter, "Defendant") file this
23 stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

24 1. On January 10, 2011, Plaintiff commenced this lawsuit against
25 Defendant in the Superior Court of Contra Costa County, Case No. C-11-00067.

1 2. Defendant removed the State Court action to this court on February 10,
2 2011.

3 3. Plaintiff now moves to voluntarily dismiss the Fourth Cause of Action
4 (Harassment); the Seventh Cause of Action (Breach of Implied in Fact Contract); the
5 Eighth Cause of Action (Breach of Implied Covenant of Good Faith and Fair Dealings);
6 and her request for punitive damages as contained in Complaint at paragraphs 40, 50,
7 60, 72, 78, 88, and 99 and in her prayer for relief.

8 4. Defendant, who has served an answer agrees to the dismissal.

9 5. This case is not a class action under Federal Rule of Civil Procedure 23, a
10 derivative action under Rule 23.1, or an action related to an unincorporated
11 association under Rule 23.2.

12 6. A receiver has not been appointed in this case.

13 7. This case is not governed by any federal statute that requires a court
14 order for dismissal of the case.

15 8. Plaintiff has not previously dismissed any federal or state court suite
16 based on or including the same claims as those presented in this case.

17 9. The dismissal is with prejudice.

18 Dated: June 15, 2011

LAW OFFICE OF H. LARRY ELAM III

19

/s/ H. Larry Elam

H. Larry Elam III

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Attorneys for Plaintiff DOAA VOLLMAR

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23 Dated: June 15, 2011

JACKSON LEWIS LLP

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/s/ Mitchell F. Boomer

Mitchell F. Boomer

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Attorneys for Defendant INTERNATIONAL
BUSINESS MACHINES COMPANY

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ORDER ON STIPULATION OF DISMISSAL

After considering the Parties stipulation of dismissal, the Court GRANTS the stipulation and dismisses the Fourth, Seventh and Eighth Causes of Action and the request for punitive damages with prejudice.

SIGNED on July 2, 2012



HON. MAXINE M. CHESNEY
UNITED STATES. DISTRICT JUDGE

APPROVED & ENTRY REQUESTED:

/s/ H. Larry Elam
H. Larry Elam III
Attorneys for Plaintiff DOAA VOLLMAR