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10 Attorneys for defendant HOME DEPOT U.S.A.,
 11 INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 HAROLD SMALLEY, ET AL.
 15 Plaintiffs,
 16 v.
 17 HOME DEPOT U.S.A., INC.,
 18 Defendant.

Case No. 3:11-cv-02951-JCS

STIPULATION OF DISMISSAL OF
 CERTAIN PLAINTIFFS

20 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby
 21 stipulate to the dismissal, with prejudice, of the claims of plaintiffs Jeffrey Anderson
 22 and Washington in their entirety.
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1 Each party will bear their own costs and attorney's fees.
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4 Respectfully submitted,
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6 Dated: January 21, 2014

/s/ Caitlin Duffy

7 Lee Squitieri
8 Caitlin Duffy
9 Squitieri & Fearon, LLP
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16 One of the Attorneys for Plaintiffs

17 Dated: January 21, 2014

/s/ Donna Mezas

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25 Dated: 1/23/14
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PROOF OF SERVICE

3 I, Caitlin Duffy, am employed in the County of New York, State of New York. I
4 am over the age of 18 and not a party to the within action; my business address is: 32
5 East 57th Street, 12th Floor, New York, New York 10022. On January 21, 2014, I served
6 the foregoing document(s) described as:

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8
STIPULATION OF CERTAIN PLAINTIFFS

9 on the interested party(ies) below, using the following means:

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11
SEE ATTACHED SERVICE LIST

12 **BY UNITED STATES MAIL** I enclosed the documents in a sealed envelope or
13 package addressed to the respective address(es) of the party(ies) stated above and placed
14 the envelope(s) for collection and mailing, following our ordinary business practices. I
15 am readily familiar with the firm's practice of collection and processing correspondence
16 for mailing. On the same day that correspondence is placed for collection and mailing,
17 it is deposited in the ordinary course of business with the United States Postal Service,
18 in a sealed envelope with postage fully prepaid at Sacramento, California.

19 **BY OVERNIGHT DELIVERY** I enclosed the document(s) in an envelope or
20 package provided by an overnight delivery carrier and addressed to the respective
21 address(es) of the party(ies) stated above. I placed the envelope or package for
22 collection and overnight delivery at an office or a regularly utilized drop box of the
23 overnight delivery carrier.

24 **BY FAX** Based on an agreement of the parties to accept service by fax transmission,
25 I faxed the documents to the respective fax number(s) of the party(ies) as stated above.
26 No error was reported by the fax machine that I used. A copy of the record of the fax
27 transmission(s), which I printed out, is attached.

28 **BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION.** Based on a court
order or an agreement of the parties to accept service by e-mail or electronic
transmission, I caused the document(s) to be sent to the respective e-mail address(es) of
the party(ies) as stated above. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission was
unsuccessful.

(STATE) I declare under penalty of perjury under the laws of the State of New York
that the foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

Executed on January 21, 2014 at New York, New York.

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27
28
/s/ Caitlin Duffy
Caitlin Duffy

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2 **SERVICE LIST**

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