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14 Attorneys for Plaintiffs

15
 16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 HAROLD SMALLEY, ET AL.

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

19 Plaintiffs,

20 v.

STIPULATION OF DISMISSAL

21 HOME DEPOT U.S.A., INC.,

22 Defendant.

23
 24
 25 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby
 26 stipulate to dismiss with prejudice of the claims of plaintiffs Neill Newton and Tina L.
 27 Vega-Stemiska in their entirety.
 28

1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby
2 stipulate to dismiss without prejudice the claims of plaintiffs Anthony M. Lucas and
3 Michael B. Green, Jr., and further agree that plaintiffs Lucas and Green's claims,
4 brought as part of the instant litigation, will be resolved as part of *Ambrosino et al. v.*
5 *Home Depot U.S.A., Inc.*, 11-cv-01319 (S.D.Cal.).
6
7

8 Each party will bear their own costs and attorney's fees.
9

10 Respectfully submitted,
11

12 Dated: December 2, 2011

13 /s/ Caitlin Duffy
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15 Caitlin Duffy (Pro Hac Vice)
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Attorneys for Plaintiffs

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Dated: December 2, 2011

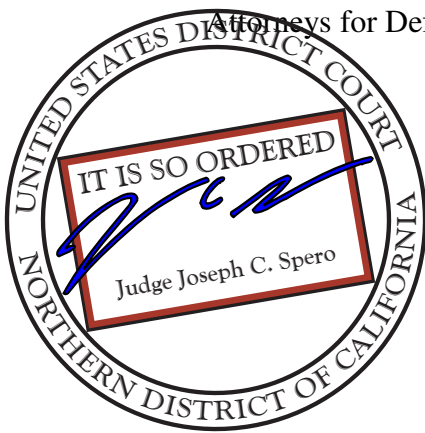
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By: /s/ Donna M. Mezas
Donna M. Mezas

580 California Street, Suite 1500
San Francisco, California 94104-1036
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Attorneys for Defendant *Home Depot U.S.A., Inc.*

Dated: December 5, 2011



1
2 **PROOF OF SERVICE**

3 I, Caitlin Duffy, am employed in the County of New York, State of New York. I am over the
4 age of 18 and not a party to the within action; my business address is: 32 East 57th Street, 12th Floor,
5 New York, New York 10022. On December 2, 2011, I served the foregoing document(s) described as:

6 **STIPULATION OF DISMISSAL**

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

8 **SEE ATTACHED SERVICE LIST**

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

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

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

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

28 **(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 December 2, 2011 at New York, New York.

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24 /s/ Caitlin Duffy
25 Caitlin Duffy
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SERVICE LIST

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