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 11 INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14

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

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

STIPULATION OF DISMISSAL OF
 CERTAIN PLAINTIFFS

20
 21 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby
 22 stipulate to the dismissal, with prejudice, of the claims of plaintiffs Tracy Balch and
 23 Daniel Magana in their entirety.

24 Each party will bear their own costs and attorney's fees.
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Respectfully submitted,

Dated: June 6, 2012

/s/ Caitlin Duffy

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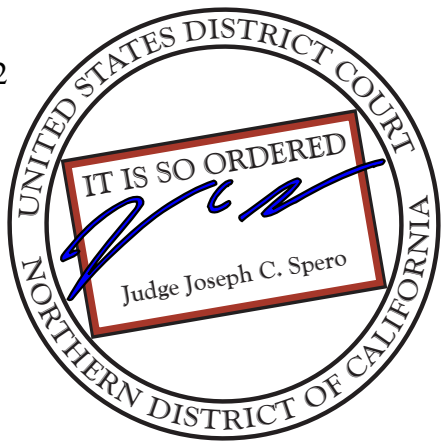
Dated: June 6, 2012

/s/ Donna M. Mezas

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One of the Attorneys for Defendant

Dated: June 11, 2012



1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

3 I am employed in the County of San Francisco, State of California. I am over the age of 18 and
4 not a party to the within action; my business address is: 580 California Street, Suite 1500, San
5 Francisco, California 94104. On June 7, 2012, I served the foregoing document(s) described as:

6 **STIPULATION OF DISMISSAL OF CERTAIN PLAINTIFFS** on the interested party(ies) below,
7 using the following means:

8 Olimpio Lee Squitieri, Esq.
9 Caitlin Duffy, Esq.
10 SQUITIERI & FEARON LLP
11 32 East 57th Street
12 12th Floor
13 New York, NY 10022

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

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

21 Executed on June 7, 2012 at San Francisco, California.

22 Donna M. Mezas
23 [Print Name of Person Executing Proof]

24 /s/ Donna M. Mezas
25 [Signature]

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