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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 HAROLD SMALLEY, ET AL.
 20 Plaintiffs,
 21 v.
 22 HOME DEPOT U.S.A., INC.,
 23 Defendant.

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

24 STIPULATION OF DISMISSAL OF
 25 CERTAIN PLAINTIFFS

26 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby
 27 stipulate to the dismissal, with prejudice, of the claims of plaintiffs John Rudolph
 28 Dalbert and Marianne Edelheit in their entirety.

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

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Respectfully submitted,

Dated: August 21, 2012

/s/ Caitlin Duffy
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One of the Attorneys for Plaintiffs

Dated: August 21, 2012

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Dated: 8/22/12



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PROOF OF SERVICE

I, Caitlin Duffy, am employed in the County of New York, State of New York. I am over the age of 18 and not a party to the within action; my business address is: 32 East 57th Street, 12th Floor, New York, New York 10022. On August 21, 2012, I served the foregoing document(s) described as:

STIPULATION OF DISMISSAL OF CERTAIN PLAINTIFFS

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

SEE ATTACHED SERVICE LIST

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

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

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

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 August 21, 2012 at New York, New York.

/s/ Caitlin Duffy

Caitlin Duffy

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