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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

HUMBOLDT WHOLESALE INC, a California
corporation,

Plaintiff,

v.

HUMBOLDT NATION DISTRIBUTION,
LLC, a California limited liability company;
HUMBOLDT NUTRIENTS, LLC, a California
limited liability company,

Defendants.

HUMBOLDT NUTRIENTS, LLC, a California
limited liability company,

Counterclaimant,

v.

HUMBOLDT WHOLESALE, INC., a
California corporation,

Counter-defendant.

Case No. CV 11-4144

**ORDER OF DISMISSAL WITH
PREJUDICE**

ORDER

Pursuant to the Stipulation of the Parties, IT IS HEREBY ORDERED:

1 1. The First Amended Complaint and the Second Amended Counterclaim are both
2 dismissed with prejudice, with each party bearing its own costs and attorneys' fees;

3 2. The Court shall retain jurisdiction to interpret and enforce the terms of the
4 Settlement Agreement;

5 3. In the event of a default of the Settlement Agreement by either party the party
6 harmed by the breach may file a Motion to Enforce the Settlement Agreement with this Judge
7 and request a hearing and ruling on the default and damages due.

8
9 PURSUANT TO STIPULATION, IT IS SO ORDERED

10 Dated: 12/11
 _____, 2012

11 Edward M. Chen
12 Judge of the U.S. D.
13 Northern District of



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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 525 "B" Street, Suite 2200, San Diego, California 92101. On December 3, 2012, I served the within documents:

1. ORDER OF DISMISSAL WITH PREJUDICE

- I hereby certify that on December 3, 2012, I electronically mailed the foregoing to EMCpo@cand.uscourts.gov and to all counsel of record.
- (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 3, 2012, at San Diego, California.

/S/ Lisel M. Ferguson
Lisel M. Ferguson