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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 JEANENE KUHNAU, individually and on Behalf
15 of the Estate of QUENTIN KUHNAU, Decedent;
16 DONALD KUHNAU; DIANA WILLIAMS; and
17 DOES ONE through TEN, inclusive,

18 Plaintiffs,

19 vs.

20 ALLIED PACKING & SUPPLY, INC., et al.,

21 Defendants.

Case No. 3:13-CV-01669-EMC

**STIPULATION AND [PROPOSED] ORDER
FOR VOLUNTARY DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT
CONSOLIDATED SUPPLY CO.**

22 Plaintiffs Jeanene Kuhnau, individually and on Behalf of the Estate of Quentin Kuhnau,
23 Decedent; Donald Kuhnau and Diana Williams and Defendant Consolidated Supply Co. hereby stipulate
24 under Federal Rule of Civil Procedure 41(a)(1)(ii) that this action be dismissed without prejudice as to
25 all claims, causes of action, and parties, with each party bearing that party's own attorney's fees and
26 costs.

27 Dated: May 7, 2013

LEVIN SIMES LLP

s/ Sean Worsey

Sean P. Worsey
Attorneys for Plaintiffs

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1 Dated: May 7, 2013

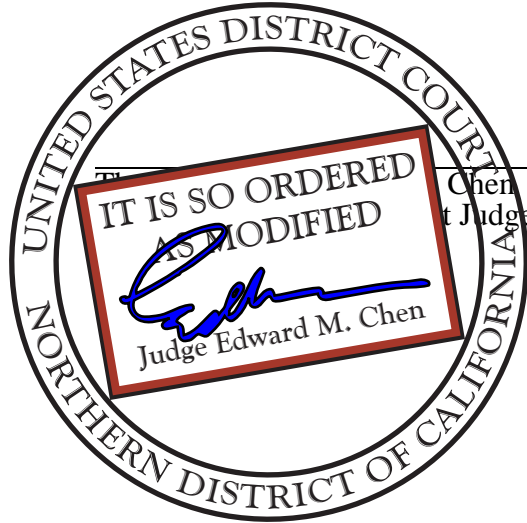
ARCHER NORRIS

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3 s/ Ioana Mondescu

4 Ioana Mondescu
5 Attorneys for Defendant Consolidated
Supply Co.

6 PURSUANT TO THE STIPULATION, IT IS SO ORDERED. Defendant Consolidated's motion to
7 dismiss is hereby vacated.

8 Dated: May 8, 2013



1 **CERTIFICATE OF SERVICE**

2 I, Timothy F. Pearce, declare that I am a citizen of the United States and am employed in San
3 Francisco County, State of California. I am over the age of 18 and not a party to the within action.
4 My business address is 353 Sacramento Street, 20th Floor, San Francisco, California 94111. On May
5 7, 2013, I served the following document entitled:

6
7 **STIPULATION AND [PROPOSED] ORDER FOR VOLUNTARY DISMISSAL WITHOUT**
8 **PREJUDICE AS TO DEFENDANT CONSOLIDATED SUPPLY CO.**

9 on interested parties in this action by:

- 10
11 (X) ELECTRONICALLY VIA ECF: the above-entitled document to be served electronically
12 through the United States District Court, Northern District of California ECF website,
13 addressed to all parties appearing on the Court's ECF service list. A copy of the "Filing
14 Receipt" page will be maintained with the original document in our office.
- 15
16 (X) I declare that I am employed in the office of this Bar of this Court at whose direction the
17 service was made.

18 Executed May 7, 2013, at San Francisco, California.

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s/ Sean P. Worsey
Sean P. Worsey