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7 Attorneys for Plaintiffs
 LEONARD G. CISNEROS and
 8 GRETEL R. CISNEROS

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA -SAN FRANCISCO DIVISION**

12 LEONARD G. CISNEROS; GRETEL R.)	Case No.: 3:16-CV-00084-JCS
13 CISNEROS,)	
14 Plaintiffs,)	STIPULATION OF DISMISSAL WITH
)	PREJUDICE PURSUANT TO FEDERAL
15 vs.)	RULE OF CIVIL PROCEDURE
)	41(a)(1)(A)(ii)
16 WELLS FARGO BANK, N.A.; DOES 1-)	
17 10,)	
18 Defendants.)	
)	
)	
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)	

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 23 Plaintiffs LEONARD G. CISNEROS and GRETEL R. CISNEROS ("Plaintiffs Cisneros")
 24 and defendant WELLS FARGO BANK, N.A. ("Wells Fargo") (collectively, the "Parties"), by
 25 and through their respective counsel of record hereby stipulate and agree as follows:

26 WHEREAS, Plaintiff filed a Second Amended Complaint in the above captioned matter
 27 against Defendants in this court alleging, among other causes of action, breach of contract and dual
 28 tracking (the "Action");

1 WHEREAS, every Party that has appeared in the Action is signatory to this agreement;
2 WHEREAS, Plaintiff has agreed to dismiss Defendant with prejudice from this action; and
3 WHEREAS, Defendant has agreed to waive costs;

4 IT IS HEREBY STIPULATED that Plaintiffs Cisneros' above-captioned action, including
5 any and all claims for relief and causes of action contained therein, be dismissed in its entirety
6 with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Under Rule
7 41(a)(1)(A)(ii), an action may be dismissed by the plaintiff without a court order by filing "a
8 stipulation of dismissal signed by all parties who have appeared." This stipulation is signed by
9 counsel for Plaintiffs and counsel for Defendant, who/which are the only parties to have
10 appeared this action.

11
12 DATED: July 20, 2016

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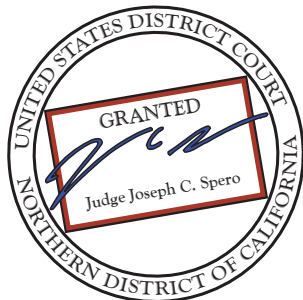
/s/ David L. Smart

David L. Smart*
Attorney for Plaintiffs
LEONARD G. & GRETEL R. CISNEROS

13
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17
18 DATED: July 20, 2016

ANGLIN FLEWELLING RASSMUSSEN
CAMPBELL & TRYTTEN LLP

19
20 Dated: 7/21/16



/s/ Robert A. Bailey

Robert A. Bailey
Attorney for Defendant
WELLS FARGO BANK, N.A.

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24
25 *Pursuant to Civil L.R. 5-1(i)(3), I, David L. Smart, certify that I am the ECF user
26 whose identification and password are being used to file this Joint Stipulation. I hereby attest
27 that Robert A. Bailey has concurred in this filing. /s/ David L. Smart
28

1 **PROOF OF SERVICE**

2
3 I am employed in the City and County of Sacramento, State of California. I am over the
4 age of 18 and not a party to the within action. My business address is 8880 Cal Center Drive,
Suite 400, Sacramento, CA 95826.

5 On July 20, 2016, I served the following documents on the persons below as follows:

6 **STIPULATION OF DISMISSAL WITH PREJUDICE PURSUANT TO FEDERAL**
7 **RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

8 ***Counsel for Defendants Wells Fargo Bank, N.A.:***

9
10 Robert A. Bailey, Esq.
11 AFRCT LLP
12 199 South Los Robles Avenue, Suite 600
Pasadena, CA 91101
13 Tel: (626) 535-1900
14 Fax: (626) 577-7764
rbailey@afrc.com

- 15
16 (MAIL) I placed the envelope for collection and mailing, following our ordinary
17 business practices. I am readily familiar with this firm's practice for collecting and
18 processing correspondence for mailing. On the same day that correspondence is placed
19 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. I am a
resident or employed in the county where the mailing occurred. The envelope or
package was placed in the mail at Sacramento, California.
- 20 (OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained
21 by Federal Express , an express service carrier, or delivered to a courier or driver
22 authorized by said express service carrier to receive documents, a true copy of the
foregoing document in sealed envelopes or packages designated by the express service
carrier, addressed as stated above, with fees for overnight delivery paid or provided for.
- 23 (MESSENGER SERVICE) I served the documents by placing them in an envelope or
24 package addressed to the persons at the addresses listed and provided them to a
professional messenger service for service. A separate Personal Proof of Service
provided by the professional messenger service will be filed under separate cover.
- 25
26 (FACSIMILE) Based on an agreement of the parties to accept service by fax
27 transmission, I faxed the documents to the persons at the fax numbers listed. No error
was reported by the fax machine that I used. A copy of the record of the fax
transmission, which I printed out, is attached.
- 28

1 (E-MAIL or ELECTRONIC TRANSMISSION) Based on a court order or an agreement
2 of the parties to accept service by e-mail or electronic transmission, I caused the
3 documents to be sent to the persons at the e-mail addresses listed. I did not receive,
4 within a reasonable time after the transmission, any electronic message or other
5 indication that the transmission was unsuccessful.

6 (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the
7 office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set
8 forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is
9 generated automatically by the ECF system upon completion of an electronic filing.
10 The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the
11 proof of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be
12 attached to any document served in the traditional manner upon any party appearing pro
13 se."

14 I declare under penalty of perjury that I am employed in the office of a member of the bar
15 of this Court at whose direction this service was made and that the foregoing is true and
16 correct.

17 (State) I declare under penalty of perjury under the laws of the State of California
18 that the above is true and correct.

19 (Federal) I declare that I am employed in the office of a member of the Bar of this
20 Court at whose direction the service was made. I declare under penalty of
21 perjury under the laws of the United States of America that the above is true
22 and correct.

23 Executed on **July 20, 2016**, at Sacramento, California.

24 Ramean S. Behnam
25 _____
26 (Type or print name)

27 /s/ Ramean S. Behnam
28 _____
(Signature)