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9 [Additional Counsel Appear on Signature Pages]

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

12 TIMOTHY HIMSTREET, Derivatively on
 13 Behalf of WELLS FARGO & COMPANY,

14 Plaintiff,

15 v.

15 TIMOTHY J. SLOAN, JOHN R.
 16 SHREWSBERRY, AVID MODJTABAI,
 ELIZABETH A. DUKE, JOHN D. BAKER
 17 II, DONALD M. JAMES, JAMES H.
 QUIGLEY, SUZANNE M. VAUTRINOT,
 18 JOHN G. STUMPF, FRANKLIN R.
 CODEL, DAWN MARTIN HARP,
 19 CARRIE L.TOLSTEDT, STEPHEN W.
 SANGER, CYNTHIA H. MILLIGAN,
 20 JUDITH M. RUNSTAD, SUSAN G.
 SWENSON, SUSAN E. ENGEL, ENRIQUE
 21 HERNANDEZ, JR., LLOYD H. DEAN,
 JOHN S. CHEN, ELAINE L. CHAO, and
 22 FEDERICO F. PEÑA,

23 Defendants,

24 -and-

24 WELLS FARGO & COMPANY, a
 25 Delaware corporation,

26 Nominal Defendant.

Case No. 3:18-cv-02922-LB

STIPULATION AND ~~PROPOSED~~
ORDER OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE

1 Plaintiff Timothy Himstreet ("Plaintiff"), defendants Timothy J. Sloan, John R.
2 Shrewsberry, Avid Modjtabai, Elizabeth A. Duke, John D. Baker II, Donald M. James, James H.
3 Quigley, Suzanne M. Vautrinot, John G. Stumpf, Franklin R. Codel, Dawn Martin Harp, Carrie
4 L.Tolstedt, Stephen W. Sanger, Cynthia H. Milligan, Judith M. Runstad, Susan G. Swenson, Susan
5 E. Engel, Enrique Hernandez, Jr., Lloyd H. Dean, John S. Chen, Elaine L. Chao, Federico F. Peña,
6 and nominal defendant Wells Fargo & Company (collectively, "Defendants"),¹ through their
7 respective counsel of record, submit this stipulation and [proposed] order to voluntarily dismiss this
8 action without prejudice.

9 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties,
10 through their undersigned counsel, pursuant to Rules 23.1(c) and 41(a)(1)(A)(ii) of the Federal
11 Rules of Civil Procedure and subject to the Court's approval, that:

- 12 1. This action shall be dismissed in its entirety without prejudice; and
- 13 2. Each Party shall bear his, her, or its own costs, fees, and expenses, including
14 attorneys' fees.

15 **IT IS SO STIPULATED.**

16 Dated: June 21, 2018

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25 Counsel for Plaintiff Timothy Himstreet

26 _____
27 ¹ Plaintiff and Defendants are collectively referred to herein as the "Parties."
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Dated: June 21, 2018

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I, Steven M. McKany, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order of Voluntary Dismissal Without Prejudice. In compliance with Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

s/ Steven M. McKany

STEVEN M. MCKANY

* * *

ORDER

Pursuant to stipulation, **IT IS SO ORDERED.**

DATED: August 9, 2018



UNITED STATES DISTRICT JUDGE