

FILED

UNITED STATES COURT OF APPEALS

JUN 16 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DANTON BALLARD, individually and on behalf of all others similarly situated;
NATHAN LYONS, individually and on behalf of all others similarly situated;
BARRY SMITH, individually and on behalf of all other similarly situated;
MICHAEL WIGGINS, individually and on behalf of all others similarly situated,

Plaintiffs - Appellees,

v.

WAL-MART STORES, INC.,

Defendant - Appellant.

No. 08-16258

D.C. Nos. 4:06-CV-02069-SBA
4:06-CV-05411-SBA
Northern District of California,
Oakland

ORDER

Before: RYMER and TASHIMA, Circuit Judges, and LEIGHTON,* District Judge.

The parties' joint motion to voluntarily dismiss this appeal pursuant to Rule 42(b) is GRANTED, and this appeal is dismissed. Each party shall bear its own costs.

A copy of this order shall serve as the mandate of this court.

* The Honorable Ronald B. Leighton, United States District Judge for the Western District of Washington, sitting by designation.