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6 *Attorneys for Plaintiffs*

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 MICHAEL OMSTEAD, MELISSA  
 12 MALLOY and LISA SMITH, individually  
 and on behalf of all others similarly  
 13 situated,

14 Plaintiffs,

15 v.

16 DELL INC.

17 Defendant.

Case No. C06-6293 PJH

**STIPULATION AND [PROPOSED]  
 ORDER GRANTING DISMISSAL OF  
 ACTION**

18  
 19 Plaintiffs and Defendant Dell, Inc. (“Dell”), by and through their respective  
 20 counsel, hereby stipulate as follows:

- 21 1. On December 17, 2010, a nationwide Class Action Settlement received  
 22 final approval by the Honorable James L. Robart in a parallel action, *Carideo, et al. v. Dell, Inc.*,  
 23 Case No. 06-cv-1772 (W.D. Wash. filed Dec. 13, 2006) (“*Carideo*”); and  
 24 2. The Settlement in *Carideo* addresses all members of the proposed Class in  
 25 this case as well as all issues raised in the operative complaint in this case; and  
 26 3. The Final Order granting approval of the Settlement in *Carideo* has been  
 27 entered; and  
 28 4. The Parties agree that the above-entitled matter has been fully

1 compromised and settled and that an order may be entered dismissing this action with prejudice  
2 and without costs and disbursements to either party.

3 IT IS SO STIPULATED.

4 I, Kristen Law Sagafi, attest that concurrence in the filing of the instant Stipulation  
5 and [Proposed] Order has been obtained from counsel for Defendant.

6 Dated: December 23, 2010

7 Respectfully submitted,

8 **LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**

9 By: /s/ Kristen Law Sagafi  
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Upon consideration of the foregoing Stipulation, this case is DISMISSED with prejudice and without costs and disbursements to either party.

**PURSUANT TO STIPULATION IT IS SO ORDERED.**

Dated: 12/27/10

Honorable Phyllis J. Hamilton  
United States District Judge

