

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NANCY HERSH, ESQ., State Bar No. 49091  
AMY ESKIN, ESQ., State Bar No. 127668  
HERSH & HERSH, A Professional Corporation  
601 Van Ness Avenue, Suite 2080  
San Francisco, CA 94102-6396  
(415) 441-5544

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WILLIAM ESTHEIMER and  
KRISTEN ESTHEIMER

Plaintiffs,

vs.

INTEGRA NEUROSCIENCES, INC., et  
al.,

Defendants.

) CASE NUMBER CV 08-03164 PJH  
)  
)

) **STIPULATION OF VOLUNTARY**  
) **DISMISSAL WITH PREJUDICE OF**  
) **DEFENDANTS SHELHIGH, INC.**  
) **AND SHLOMO GABBAY, M.D.**  
)  
)  
)  
)  
)

Pursuant to Rule 41(a)(1)(a)(ii) of the Federal Rules of Civil Procedure, the parties, through their counsel, hereby agree and stipulate to the voluntary dismissal with prejudice of all claims against Shelhigh, Inc., and Shlomo Gabbay, M.D.

DATED: August 4, 2009

HERSH & HERSH  
A Professional Corporation

By \_\_\_\_\_ /S/  
NANCY HERSH  
Attorneys for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: August 4, 2009

DILLINGHAM & MURPHY LLP

By /S/  
RODRIGO E. SALAS  
Attorneys for Defendants  
SHELHIGH, INC. and  
SHLOMO GABBAY, M.D.

**ORDER**

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

The Clerk shall terminate the above named defendants Shelhigh, Inc., and Shlomo Gabbay, M.D., from the Docket.

DATED: 8/18/09

United States District Judge Phyllis J. Hamilton



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I, Monica B. Peña, declare:

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action or proceeding; my business address is 601 Van Ness Avenue, Suite 2080, San Francisco, California 94102-6388.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 4, 2009, I a true copy of the following documents:

**STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE OF DEFENDANTS SHELHIGH, INC. AND SHLOMO GABBAY, M.D., AND DECLARATION OF NANCY HERSH ATTESTING TO SIGNATURES ON PLAINTIFFS' STIPULATION OF VOLUNTARY DISMISSAL, ETC.**

Rodrigo E. Salas  
J. Cross Creason  
DILLINGHAM & MURPHY, LLP  
225 Bush Street, 6<sup>th</sup> Floor  
San Francisco, CA 94104-4207  
E-mail: [res@dillinghammurphy.com](mailto:res@dillinghammurphy.com) and  
[jcc@dillinghammurphy.com](mailto:jcc@dillinghammurphy.com)  
Attorneys for Δ Shelhigh, Inc.

- (BY MAIL)** By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in accordance with the above business practice, as addressed above.
- (BY HAND DELIVERY)** By arranging hand-delivery of a copy of the same to the person(s) identified above.
- (BY OVERNIGHT DELIVERY)** By placing a true and correct copy of the document(s) listed above enclosed in a sealed envelope(s), and having said envelope be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) identified above.
- (BY FACSIMILE)** By transmitting a facsimile copy of the same, to the number listed above.
- (BY ELECTRONIC MAIL)** By transmitting an electronic copy of the same to the e-mail address(es) indicated above.
- (FEDERAL)** I declare that I am employed in the office of a member of the bar of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 4, 2009, at San Francisco, California.

\_\_\_\_\_/S/\_\_\_\_\_  
Monica B. Peña