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WANGSON BIOTECHNOLOGY GROUP, INC.

8 THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 WANGSON BIOTECHNOLOGY GROUP, INC.,  
12 Plaintiff,  
13 v.  
14 TAN TAN TRADING CO., INC, a California  
15 Corporation, CATHAY CHINESE HERBS, form  
16 unknown, and DOES 1-100,  
17 Defendants.

Case No.: 4:08-cv-04212-SBA

**AMENDED STIPULATION OF  
DISMISSAL OF DEFENDANT CATHAY  
CHINESE HERBS, WITH PREJUDICE,  
PURSUANT TO FED. R. CIV. P. 41(a)(1)  
AND [PROPOSED] ORDER**

18  
19 Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Wangson  
20 Biotechnology Group, Inc. (“Wangson”) and Defendant Cathay Chinese Herbs (“Cathay”) hereby  
21 stipulate and jointly request that the Court dismiss Wangson’s claims against Cathay, *with prejudice*.  
22 Wangson and Cathay jointly declare the following in support of this request:

23 WHEREAS the above-captioned action (the “Action”) was commenced on September 5,  
24 2008 and Wangson served its original Complaint on Cathay on September 12, 2008.

25 WHEREAS Wangson and Cathay have entered into a settlement agreement on October 25,  
26 2008, resolving all of the claims against Cathay in the Action.

27 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed by Wangson and Cathay,  
28 and through their counsel of record, that Wangson’s claims against Cathay be dismissed with

**Amended Stipulation of Dismissal of Defendant Cathay Chinese Herbs, With Prejudice,  
Pursuant to Fed. R. Civ. P. 41(a)(1) and [Proposed] Order  
Case No.: 4:08-cv-04212-SBA**

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1 prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. In accordance with the  
2 Agreement, Wangson and Cathay also request that this Court retain and have exclusive jurisdiction  
3 over Wangson and Cathay with respect to disputes arising under the Agreement, and further agree  
4 that any such disputes arising under the Agreement shall be heard before a Magistrate Judge.

5 IT IS FURTHER STIPULATED and agreed by Wangson and Cathay, and through their  
6 counsel of record, that Wangson and Cathay are to bear its own costs and attorneys' fees.

7  
8 **IT IS SO STIPULATED.**

9  
10 Dated: December 12, 2008

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Attorneys for Plaintiff  
WANGSON BIOTECHNOLOGY  
GROUP, INC.

23  
24 Dated: December 12, 2008

LAW OFFICES OF RICHARD C.J. WAHNG

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CATHAY CHINESE HERBS

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**ORDER**

Having considered Plaintiff Wangson Biotechnology Group, Inc.’s and Defendant Cathay Chinese Herb’s Amended Stipulation of Dismissal of Defendant Cathay Chinese Herbs, with Prejudice, Pursuant to Fed. R. Civ. P. 41(a)(1) (“Amended Stipulation of Dismissal”), and for good cause appearing, it is hereby **ORDERED** that this Action is dismissed with prejudice as to Defendant Cathay Chinese Herbs.

**IT IS FURTHER ORDERED** that the Court shall retain and have exclusive jurisdiction over Plaintiff Wangson Biotechnology Group, Inc. and Defendant Cathay Chinese Herbs with respect to disputes arising under the Agreement, and any such disputes arising under the Agreement shall be heard before a Magistrate Judge.

**IT IS FURTHER ORDERED** that Plaintiff Wangson Biotechnology Group, Inc. and Defendant Cathay Chinese Herbs bear their own attorneys’ fees and costs.

Dated: 12/15/08

  
\_\_\_\_\_

THE HON. SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that on December 12, 2008, the foregoing document was filed electronically in compliance with Civil Local Rule 5-4 and General Order 45. As such, this document was served on all counsel who are deemed to have consented to electronic service.

By:           /s/ Margaux A. Aviguetero

Margaux A. Aviguetero

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