

1 ALTEMUS & WAGNER
 2 ATTORNEYS AT LAW
 3 1255 SACRAMENTO STREET, REDDING, CALIFORNIA 96001
 4 TELEPHONE: (530) 242-8800 FAX: (530) 242-8900

5 Stewart C. Altemus (State Bar #98746)
 6 Attorney for Plaintiff LONNELL SMITH

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 LONNELL SMITH,

10 Plaintiff,

Case No. C 09-01057 JL

11 vs.

**REQUEST FOR DISMISSAL
 AND ORDER THEREON**

12 DATEX-OHMEDA, INC., et al,

13 Defendants.

14
 15 TO THE CLERK:

16 Please dismiss this action as follows:

17 Without prejudice **ONLY AS TO DEFENDANT PENLON AMERICA, INC.**

18 Dated: April 17, 2009.

19 ALTEMUS & WAGNER

20 By: /s/ Stewart C. Altemus
 21 Stewart C. Altemus
 22 Attorney for Plaintiff

23 ORDER

24 Pursuant to the Request for Dismissal of Plaintiff, LONNELL SMITH, Defendant
 25 PENLON AMERICA, INC. is dismissed as a Defendant in the above-entitled action, without
 26 prejudice.

27 Dated: 4/24/09

