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22 Attorneys for Defendant
23 INTERNATIONAL BUSINESS
24 MACHINES CORPORATION

25 UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA
27 OAKLAND DIVISION

28 ROBERT MAYBERRY,
29
30 Plaintiff,

31 vs.

32 INTERNATIONAL BUSINESS
33 MACHINES CORPORATION,
34
35 Defendant.

CASE NO. CV-09-1369-CW

**JOINT STIPULATION FOR DISMISSAL
WITH PREJUDICE AND ORDER**

CASE NO. CV-09-1369-CW

JOINT STIPULATION OF DISMISSAL
AND [PROPOSED] ORDER

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Robert Mayberry and
2 Defendant International Business Machines Corporation stipulate to voluntarily dismiss with
3 prejudice the above-captioned action pursuant to the terms of the parties' settlement agreement
4 and with each party to bear its own costs and attorneys' fees.

5 IT IS SO STIPULATED.

6
7 DATED: October ____, 2009

8 _____
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11 Counsel for Plaintiff
12 Robert Mayberry

13 DATED: October ____, 2009

14 _____
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18 Counsel for Defendant
19 International Business Machines Corporation
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ORDER

Based upon the foregoing stipulation and good cause appearing, the Court hereby orders that the above-captioned action is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1) with each party to bear its own costs and attorneys' fees.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

10/14

DATED: _____, 2009



HONORABLE CLAUDIA WILKEN

Judge, United States District Court

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