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6 Attorneys for Third Party Defendant and  
 Counterclaimant PREFERRED COMMERCE, INC.

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

13 DAVID JOHNSON,  
 14 Plaintiff,  
 15 vs.  
 16 ANOUSHEN AFJEI and ARIA AFJEI,  
 17 Defendants.  
 18 AND RELATED THIRD PARTY  
 19 CLAIMS

Case No.: C 09-3082 SBA

**STIPULATION OF DISMISSAL; ORDER**

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 21 The defendants, Anoushen and Aria Afjei, and the Third Party Cross-Defendant,  
 22 Preferred Commerce, Inc., dba La Tapatia Restaurant, by and through its counsel, Phillip G.  
 23 Vermont of Randick O’Dea & Tooliatos, LLP, stipulate as follows:

24 IT IS HEREBY STIPULATED by and between the parties to this stipulation, the Afjei’s  
 25 (in pro per) and Preferred Commerce, Inc., through its counsel, that the third party action be and  
 26 hereby is dismissed without prejudice pursuant to F.R.C.P. §41(a)(2). All claims between the

1 Afjei's and Preferred Commerce, Inc., dba La Tapatia Restaurant, are preserved.

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3 Date: July 15, 2010

RANDICK O'DEA & TOOLIATOS, LLP

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By: \_\_\_\_\_

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Phillip G. Vermont  
Attorneys for Third Party Defendant  
PREFERRED COMMERCE, INC.

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Date: \_\_\_\_\_

\_\_\_\_\_

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ANOUSHEN AFJEI

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Date: \_\_\_\_\_

\_\_\_\_\_

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ARIA AFJEI

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15 **IT IS SO ORDERED.**

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Dated: \_7/27/10

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SAUNDRA BROWN ARMSTRONG  
United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 DAVID JOHNSON,  
5  
6 Plaintiff,

7 v.

8 ANOUSHEN AJFEI et al,  
9  
10 Defendant.

Case Number: CV09-03082 SBA

**CERTIFICATE OF SERVICE**

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on July 27, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
17 receptacle located in the Clerk's office.

18 Anoushen Afjei  
19 86 Waterside Circle  
20 Redwood Shores, CA 94065

21 Aria Afjei  
22 86 Waterside Circle  
23 Redwood Shores, CA 94065

24 Dated: July 27, 2010

25 Richard W. Wieking, Clerk  
26 By: LISA R CLARK, Deputy Clerk  
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