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

11 NILEX CORPORATION, on behalf of)
 itself and the UNITED STATES,)
 12)
 Plaintiff,)
 13)
 v.)
 14)
 DGI-MENARD INC.; SETH)
 15 PEARLMAN; ROGER BLOOMFIELD;)
 and RICHARD ALLEN HAMMERS,)
 16)
 Defendants.)
 17

No. C 09-3723-CW

**STIPULATION OF DISMISSAL;
 ORDER**

18 1. Under Fed. R. Civ. P. 41(a)(1), the United States of America and Plaintiff-Relator Nilex
 19 Corporation hereby stipulate to the dismissal of this action with prejudice, pursuant to the terms
 20 and conditions of the Settlement Agreement effective November 3, 2010.

21 2. No answer has been served or filed, and no parties other than the United States and the
 22 Relator have appeared in this action.

23 3. A case management conference is currently scheduled for November 30, 2010. In light of
 24 the settlement and dismissal, we ask that the case management conference be vacated.

IT IS SO STIPULATED.

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Date: November 15, 2010

Respectfully submitted,

MELINDA HAAG
United States Attorney

By: /s/ signature on file
SARA WINSLOW
Assistant United States Attorney
Attorneys for the United States of America

Date: November 15, 2010

ROGERS JOSEPH O'DONNELL

By: /s/ signature on file
AARON P. SILBERMAN
Attorneys for Nlex Corporation

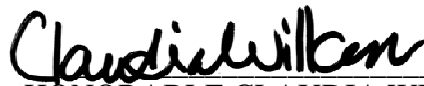
ORDER

Pursuant to stipulation IT IS HEREBY ORDERED:

1. This action is dismissed with prejudice.
2. The case management conference scheduled for November 30, 2010 is vacated.

IT IS SO ORDERED.

Dated: 11/17/2010



HONORABLE CLAUDIA WILKEN
United States District Judge