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13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **OAKLAND DIVISION**

16 **WINDERMERE HOLDINGS, LLC**, a  
 17 California limited liability company,

18 PLAINTIFF,

19 v.

20 **U.S. WALL DÉCOR, LLC**, a Florida  
 21 limited liability company, **KINKADE**  
 22 **EVENTS, LLC**, a Florida limited  
 23 liability company, **ALBERT R.**  
 24 **SCARLATA**, a Florida resident, **NICK**  
 25 **R. BOMLENY**, a Florida resident and  
 26 **DOES 1 through 10**,

27 DEFENDANTS.

28 **U.S. WALL DÉCOR, LLC;**  
**KINKADE EVENTS, LLC;** **ALBERT**  
**R. SCARLATA;** and **NICK S.**  
**BOMLENY**

Cross-Complainants,

vs.

**THOMAS KINKADE**, an individual

Cross-Defendant.

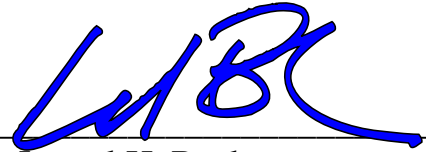
Case No: CV10-03955 LB

~~PROPOSED~~ ORDER OF  
 DISMISSAL

1 Pursuant to joint stipulation by and between Plaintiff Windermere Holdings,  
2 LLC (“Windermere”); Defendants U.S. Wall Decor, LLC, Kinkade Events, LLC,  
3 Albert R. Scarlata, and Nick R. Bomleny (collectively, the “Wall Decor Parties”);  
4 and Cross-Defendant Thomas Kinkade, i.e., the parties to this action, the above-  
5 captioned action is hereby dismissed in its entirety pursuant to Federal Rule of  
6 Civil Procedure 41(a)(1), as follows: (1) Windermere’s claims are dismissed  
7 without prejudice; (2) the Wall Decor Parties’ counterclaims are dismissed with  
8 prejudice; and (3) the Wall Decor Parties’ cross-claims are dismissed with  
9 prejudice.

10 IT IS SO ORDERED.

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13 Dated: November 16, 2011



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Hon. Laurel H. Beeler  
UNITED STATES MAGISTRATE JUDGE