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 8 successor in interest to Banc of America
 Investment Services, Inc.

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

12 ELWOOD QUESADA, JAMES DeROSA, and
 Others Similarly Situated,

13 Plaintiffs,

14 vs.

15 BANC OF AMERICA INVESTMENT
 SERVICES, INC., NKA MERRILL LYNCH,
 16 PIERCE, FENNER & SMITH, INC,

17 Defendant.

Case No. CV-11-01703 YGR

**STIPULATION OF DISMISSAL WITH
 PREJUDICE; [PROPOSED] ORDER**

Honorable Yvonne Gonzalez Rogers

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware

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IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is **dismissed with prejudice** pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii). Each party shall bear its own costs and attorneys' fees.

SO STIPULATED:

DATED: May 29, 2013 REED SMITH LLP

By /s/ Ashley L. Shively
Ashley L. Shively
Attorney for Defendant
Merrill Lynch, Pierce, Fenner & Smith, Inc.,
successor in interest to Banc of America Investment
Services, Inc.

DATED: May 29, 2013 LAW OFFICES OF JON E. DRUCKER, PC

By /s/ Jon E. Drucker
[concurrence in filing received]
Jon E. Drucker
Attorney for Plaintiff
Elwood Quesada


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[PROPOSED] ORDER

The Court, having considered the Stipulation between the parties, Orders the operative complaint in this action **DISMISSED WITH PREJUDICE**, with each side to bear its own costs and attorneys' fees. The Court **VACATES** the compliance hearing set for June 7, 2013, and all other dates set in this action.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 29, 2013



Honorable Yvonne Gonzalez Rogers
United States District Court Judge