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5 Attorneys for Defendant
 6 HOME DEPOT U.S.A., INC.

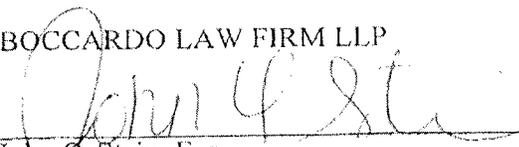
7 UNITED STATES DISTRICT COURT
 8 THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

9 GERVACIO and ROSA MARTINEZ,
 10 Plaintiffs,
 11 vs.
 12 HOME DEPOT U.S.A., INC., et al.,
 13 Defendants.
 14

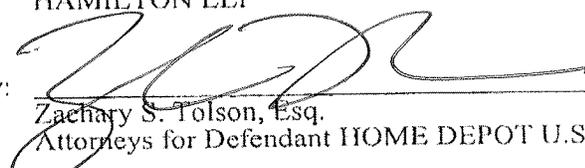
Case No. 5:2005cv03904-JW
**STIPULATION AND ORDER FOR
 DISMISSAL**

15 Pursuant to FED.R.CIV.PRO. 41(a)(1)(A)(ii) it is hereby stipulated and agreed that Plaintiffs
 16 GERVACIO and ROSA MARTINEZ hereby voluntarily dismiss the above-captioned case with
 17 prejudice, in entirety, each party to bear their own costs.

18 DATED: January 27, 2009

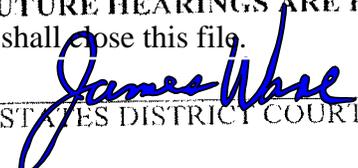
19 BOCCARDO LAW FIRM LLP
 By: 
 20 John C. Stein, Esq.
 Attorneys for Plaintiffs
 21 GERVACIO and ROSA MARTINEZ

22 DATED: January 27, 2009

23 JENKINS GOODMAN NEUMAN &
 HAMILTON LLP
 By: 
 24 Zachary S. Tolson, Esq.
 Attorneys for Defendant HOME DEPOT U.S.A., INC.

26 **THE MATTER IS HEREBY DISMISSED. ALL FUTURE HEARINGS ARE HEREBY
 27 CANCELLED. IT IS SO ORDERED.** The Clerk shall close this file.

28 DATED: Jan 27, 2009

By: 
 UNITED STATES DISTRICT COURT JUDGE

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