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9
 10 UNITED STATES DISTRICT COURT
 FOR NORTHERN DISTRICT OF CALIFORNIA

11 JIE YU, ET AL
 12 Plaintiffs,

Case No.: C07-2274 PVT

13 vs.

AMENDED STIPULATION TO DISMISS
 WITH PREJUDICE & ORDER THEREON

14
 15 SOUTHLAND TASTE RESTAURANT
 INCORPORATED, ET AL.
 16 Defendants

17 Plaintiffs, Jie Yu and Min Wang, and Defendants, Southland Taste Restaurant
 18 Incorporated, Ching Tung Chen, Chin Shih Yang Chen, I Chen Chen, Southland Flavor Cafe,
 19 Zhi Yu Deng, through their respective counsel, hereby stipulate as follows:

20 1. Plaintiffs filed a complaint seeking, among other things, unpaid overtime under
 21 Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”).

22 2. Parties reached a settlement that resolves all claims of Plaintiffs, requiring
 23 Plaintiffs to dismiss this case with prejudice.

24 3. On September 18, 2008, Parties filed a stipulation to dismiss this case with
 25 prejudice.

1 4. On October 10, 2008, this Court denied the Stipulation to Dismiss, on the ground
2 that FLSA mandates award of attorney's fees for FLSA claims when an order to dismiss the
3 action is required. As such, the Court ordered parties to show cause why parties failed to
4 stipulate to dismiss under FED. R. CIV. PRO. 41(a) which does not involve an order to dismiss.

5 5. By this Amended Stipulation, parties hereby clarify that the parties meant to
6 stipulate to dismiss under FED. R. CIV. PRO. 41 (a) without a Court order; and respectfully so
7 stipulate.

8
9 RESPECTFULLY SUBMITTED,

10 Dated: November 15, 2008

By: /s/ ADAM WANG
Adam Wang
Attorney for Plaintiffs

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12
13 Dated: November 15, 2008

By: /s/ Bing Rui
BING RUI
Attorney for Defendants

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15 _____
XXXXXXXXXXXXX ORDER

16 Pursuant to party's stipulation, IT IS HEREBY ORDERED that the Clerk should close
17 this case. The Order to Show Cause dated October 10, 2008 is hereby dissolved.

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19 Dated: November 17, 2008


Patricia V. Trumbull
United States Magistrate Judge