

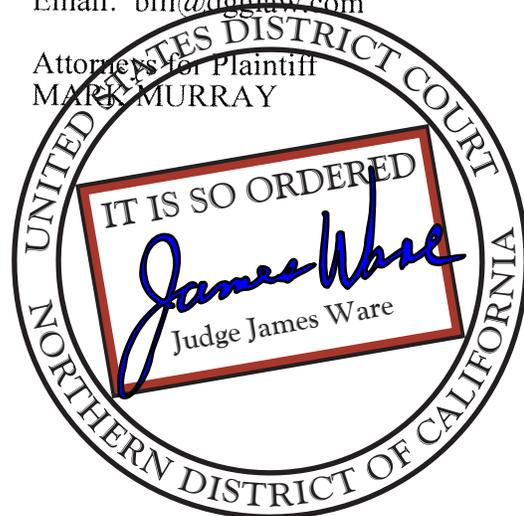
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22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN JOSE DIVISION

25 MARK MURRAY,

26 Plaintiff,

27 v.

28 THE ABBOTT SEVERANCE PAY PLAN
FOR FORMER U.S. GUIDANT
EMPLOYEES, 2006 EDITION,

Defendant.

CASE NO.: C 08-00906 JW

STIPULATION TO DISMISS WITH
PREJUDICE AND [PROPOSED] ORDER

[F.R.C.P. 41(a)(1)]

This stipulation is entered into by and among Plaintiff Mark Murray ("Murray") and Defendant The Abbott Severance Pay Plan for Former U.S. Guidant Employees, 2006 Edition (the "Plan") (collectively the "Parties"), through their respective attorneys of record.

WHEREAS, on February 12, 2008, Mr. Murray filed a Complaint in the above-referenced matter, alleging that he was entitled to additional severance benefits; and

1 WHEREAS, the parties have agreed to resolve this matter through a Settlement
2 Agreement (the "Agreement"), and desire to avoid any future disputes.

3 NOW THEREFORE, IT IS STIPULATED by and between the parties to this action
4 through their designated counsel that the above-captioned matter should be dismissed with
5 prejudice pursuant to FRCP 41(a)(1), with each side to bear its own costs and attorneys' fees.

6 Dated: January 7, 2009

WINSTON & STRAWN LLP

7 By: /s/ Joseph J. Torres
8 _____
9 Attorney for Defendant
10 THE ABBOTT SEVERANCE PAY PLAN FOR
11 FORMER U.S. GUIDANT EMPLOYEES, 2006
12 EDITION

13 Dated: January 7, 2009

DELFINO GREEN & GREEN

By: /s/ William Green

14 _____
15 Attorney for Plaintiff
16 MARK MURRAY

17 ~~James Ware~~
18 [PROPOSED] ORDER

19 IT IS HEREBY ORDERED that the Complaint be dismissed in its entirety, with
20 prejudice, with each side to bear its own costs and attorneys' fees. IT IS FURTHER ORDERED
21 that the Case Management Conference set for January 12, 2009 at 10 a.m. is hereby VACATED.

The Clerk shall close this file.

22 Date: January 7, 2009

23 _____
24 *James Ware*
25 HON. JAMES WARE
26 United States District Court Judge