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11 Attorneys for Defendant, ARMANDO VARGAS

12 UNITED STATES DISTRICT COURT
 13 FOR NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 JOSE FELIPE RUIZ; CARLOS AGUILAR
 RIVAS; MARCELINO HERNANDEZ;
 16 ALEJANDRO AGUILAR; RAMIRO
 HERNANDEZ PARRA; SALOMON GOMEZ;
 17 MAURO HERNANDEZ; HERIBERTO
 PAMAZ-LUCAS; ANTONIO HERNANDEZ;
 18 ANTONIO GONZALES; and ALEJANDRO
 GONZALES,

19 Plaintiffs,

20 vs.

21 ARMANDO VARGAS; JAVIER VARGAS;
 22 NOE VARGAS; EDITH R. SAUNO;

23 Defendants.

24 And related cross-action,

Case No.: 08-CV-01804PVT

**STIPULATION AND [XXXXXXXXXXXXX]
 ORDER TO DISMISS DEFENDANT
 ARMANDO VARGAS**

1 Plaintiffs JOSE FELIPE RUIZ, CARLOS AGUILAR RIVAS, MARCELINO
2 HERNANDEZ, ALEJANDRO AGUILAR, RAMIRO HERNANDEZ PARRA, SALOMON
3 GOMEZ, MAURO HERNANDEZ, HERIBERTO PAMAZ-LUCAS, ANTONIO
4 HERNANDEZ, ANTONIO GONZALES, and ALEJANDRO GONZALES and Defendant
5 ARMANDO VARGAS through Counsel hereby stipulate as follows:

6 1. On April 3, 2008, Plaintiffs filed their complaint against ARMANDO VARGAS.

7 2. On July 30, 2009, Defendant ARMANDO VARGAS filed for bankruptcy
8 protection (Chapter 7) in the Northern District in an action titled *In re Armando Vargas Pena*
9 *and Martina de Vargas*, case number 09-56214.

10 3. On July 1, 2010, The United States Bankruptcy Court of the Northern District of
11 California, San Jose Division granted a discharge of ARMANDO VARGAS under section 727
12 of title 11 of the United States Bankruptcy Code.

13 4. Consequently, IT IS HEREBY STIPULATED, by and between the above-named
14 parties only that the claims and causes of action asserted by Plaintiffs in their Second Amended
15 Complaint against Defendant ARMANDO VARGAS in the above-captioned action be and
16 hereby are dismissed with prejudice pursuant to FRCP 41(a)(2).
17

18
19 **FOR PLAINTIFFS**

DAL BON & MARGAIN

20 DATED: November 4, 2010

By: //s// Tomas E. Margain
Tomas E. Margain

21
22 **FOR DEFENDANT**
ARMANDO VARGAS

FISHMAN, LARSEN, GOLDRING
& ZEITLER

23 DATED: _____

By: //s//Travis R. Stokes
Travis R. Stokes

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ORDER

Pursuant to the above-Stipulation between the above-named parties and for good cause shown, all claims and causes of action asserted by Plaintiffs against Defendant ARMANDO VARGAS are hereby dismissed with prejudice.

IT IS SO ORDERED that the Second Amended Complaint be dismissed with prejudice against Defendant Armando Vargas.

DATED: November 5, 2010



Hon. Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE