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 CHRISTOPHER B. BURNHAM

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

Case No. 08 CV 2747 JF (PVT)

11 CHRISTOPHER B. BURNHAM, a
 12 Citizen of the State of Maryland,
 13 Plaintiff,
 14 v.
 15 QIANG DU, a Citizen of the State of
 California,
 16 Defendant.

**STIPULATION FOR DISMISSAL
 OF ACTION AND [PROPOSED]
 ORDER**

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STIPULATION FOR DISMISSAL

Plaintiff Christopher B. Burnham and defendant Qiang Du by and through their counsel hereby inform the Court that they have entered into a written conditional settlement agreement whereby they agreed, among other things, that the above-referenced action may be dismissed without prejudice. Accordingly, pursuant to Federal Rule 41(a)(1)(A)(ii), the parties' respectfully request that the Court dismiss the action without prejudice. Concurrence in the filing hereof has been obtained from Mr. McGreevy, counsel for defendant per General Order 45.

DATED: November 21, 2008

Stipulated and Agreed to:
ARENT FOX LLP

By: /S/
David G. Bayles
Attorneys for Plaintiff Christopher
Burnham

DATED: November 21, 2008

Stipulated and Agreed to:
MCGREEVY & HENLE, LLP

By: /S/
Peter R. McGreevy, Esq.
Attorneys for Defendant Qiang Du

[PROPOSED] ORDER

Based upon the foregoing and GOOD CAUSE appearing therefor, the above-referenced action is dismissed without prejudice.

IT IS SO ORDERED.

Dated: 11/26/08


United States District Court Judge

1 **Burnham v. Du**
2 **U.S. District Court, Northern District of California Case No. 08 CV 2747 JF**
3 **(PVT)**
4 **PROOF OF SERVICE**

5 I am a citizen of the United States. My business address is Arent Fox LLP,
6 555 West 5th Street, Los Angeles, CA 90013. I am employed in the County of Los
7 Angeles where this service occurs. I am over the age of 18 years, and not a party to
8 the within cause. On the date set forth below, according to ordinary business
9 practice, I served the foregoing document(s) described as:

10 **Stipulation for Dismissal of Action and [Proposed] Order**

- 11 (BY FAX) I transmitted via facsimile, from facsimile number (213)
12 629-7401, the document(s) to the person(s) on the attached service list
13 at the fax number(s) set forth therein, on this date before 5:00 p.m. A
14 statement that this document was successfully transmitted without
15 error is attached to this Proof of Service.
- 16 (BY MAIL) I am readily familiar with my employer's business
17 practice for collection and processing of correspondence for mailing
18 with the U.S. Postal Service, and that practice is that correspondence
19 is deposited with the U.S. Postal Service the same day as the day of
20 collection in the ordinary course of business. On this date, I placed
21 the document(s) in envelopes addressed to the person(s) on the
22 attached service list and sealed and placed the envelopes for
23 collection and mailing following ordinary business practices.
- 24 (BY E-MAIL) by personally transmitting the foregoing document(s)
25 via electronic e-mail to the e-mail addresses of all parties.
- 26 (BY PERSONAL SERVICE) On this date, I caused to be delivered
27 by hand envelope(s) containing the document(s) to the persons(s) on
28 the attached service list.
- (BY OVERNIGHT DELIVERY) On this date, I placed the
documents in envelope(s) addressed to the person(s) on the within
service list, and caused those envelopes to be delivered to an
overnight delivery carrier, with delivery fees provided for, for next-
business-day delivery to whom it is to be served.

Peter R. McGreevy, Esq.
McGreevy & Henle, LLP
131 Union Avenue
Riverhead, NY 11901

- (Federal) I declare under penalty of perjury under the laws of the
United States that the foregoing is true and correct.

Executed on November 21, 2008 at Los Angeles, California.


Barbara Anderson