

1 Fred W. Schwinn (SBN 225575)
 2 CONSUMER LAW CENTER, INC.
 3 12 South First Street, Suite 1014
 4 San Jose, California 95113-2418
 Telephone Number: (408) 294-6100
 Facsimile Number: (408) 294-6190
 Email Address: fred.schwinn@sjconsumerlaw.com

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5 Attorney for Plaintiff
 6 GRAHAM TOEWS

7
 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 GRAHAM TOEWS,

Case No. C08-02828-RS

12 Plaintiff,

STIPULATION OF DISMISSAL
AND ~~PROPOSED~~ ORDER

13 v.

14 COLLECTCORP CORPORATION, a
 Delaware corporation,

Fed. R. Civ. P. 41(a)(1)

15 Defendant.

16
 17 Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff, GRAHAM TOEWS, and Defendant,
 18 COLLECTCORP CORPORATION, stipulate, and the Court hereby orders, as follows:

19 1. The dispute between the parties has been settled, therefore, the claims asserted by
 20 Plaintiff, GRAHAM TOEWS, against Defendant, COLLECTCORP CORPORATION, in the above-
 21 captioned proceeding are hereby dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1).

22 Dated: September 3, 2008

/s/ Fred W. Schwinn
 Fred W. Schwinn, Esq.
 Attorney for Plaintiff
 GRAHAM TOEWS

26 Dated: September 3, 2008

/s/ Andrea D. McGary
 Andrea D. McGary, Esq.
 Attorney for Defendant
 COLLECTCORP CORPORATION

1 THE FOREGOING STIPULATION
2 IS APPROVED AND IS SO ORDERED.

3 Dated: 9/11/08
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5 _____
6 The Honorable Richard Seeborg
7 Judge of the District Court

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