

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

5 Attorney for Plaintiff
 6 GRAHAM TOEWS

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

11 GRAHAM TOEWS,

Case No. C08-02830-JW-RS

12 Plaintiff,

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

13 v.

14 CENTRAL PORTFOLIO CONTROL, INC., a
 Minnesota corporation,

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

15 Defendant.

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 17 Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff, GRAHAM TOEWS, and Defendant, CENTRAL
 18 PORTFOLIO CONTROL, INC., 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, CENTRAL PORTFOLIO CONTROL, INC., in the
 21 above-captioned proceeding are hereby dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1).

22 Dated: September 15, 2008

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

26 Dated: September 15, 2008

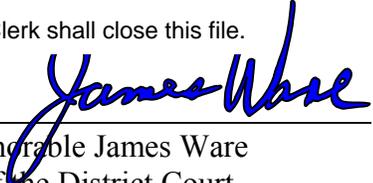
27 /s/ Natalie P. Vance
 28 Natalie P. Vance, Esq.
 Attorney for Defendant
 CENTRAL PORTFOLIO CONTROL, INC.

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THE FOREGOING STIPULATION
IS APPROVED AND IS SO ORDERED.

The Court terminates all pending deadlines, hearings and motions. The Clerk shall close this file.

Dated: September 22, 2008



The Honorable James Ware
Judge of the District Court