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10 Attorneys for Defendants  
 BAYERISCHE HYPO-UND VEREINSBANK AG  
 11 and HVB U.S. FINANCE, INC.



12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15  
 16 WILLIAM E. GUSTASHAW, JR. on his own  
 behalf and on behalf of all others similarly  
 17 situated,

18 Plaintiff,

19 vs.

20 BAYERISCHE HYPO-UND VEREINSBANK  
 AG, a corporation; HVB U.S. FINANCE, INC. a  
 21 corporation; CHENERY ASSOCIATES, a general  
 partnership; SUSSEX FINANCIAL  
 22 ENTERPRISES, INC., a California corporation;  
 and does ONE THROUGH TEN, inclusive,

23 Defendants.

Case No. 08-3479 JW

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

1 IT IS HEREBY STIPULATED by and between all the parties to this action  
2 through their designated counsel that the above-captioned action be and hereby is  
3 dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

4 All parties agree to bear their own fees and costs.

5  
6 Dated: January 12, 2010

LUKENS LAW GROUP  
WILLIAM M. LUKENS  
JENNIFER L. JONAK

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8  
9 By: /s/ Jennifer L. Jonak  
Attorneys for Plaintiff

10  
11 Dated: January 12, 2010

KASOWITZ, BENSON,  
TORRES & FRIEDMAN LLP  
MARK P. RESSLER  
RONALD R. ROSSI

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13  
14 By: /s/ Mark P. Ressler  
Attorneys for Defendants

15  
16 IT IS SO ORDERED:

17  
18 The Court terminates any remaining pending deadlines, hearings and motions. The Clerk shall  
close this file.

19  
20 Dated: January 14, 2010

  
United States District Judge