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5 Attorneys for Plaintiffs
 Fresh Start Advantage, Inc. and
 6 Fresh Kist Produce, LLC

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 8 UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 FRESH START ADVANTAGE, INC., a
 10 corporation; and FRESH KIST
 PRODUCE, LLC, a limited liability
 11 company,
 12 Plaintiffs,
 13 v.
 14 JOHN D. TAMAGNI, an individual, and
 ROBERT ELLIOTT, an individual,
 15 Defendants.
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CASE NO. C 08-03697 RMW
**STIPULATION FOR DISMISSAL
 OF ENTIRE ACTION
 AND ORDER**
[Fed. R. Civ. P. 41(a)(1)]

17 Plaintiffs Fresh Start Advantage, Inc. and Fresh Kist Produce, LLC and
 18 Defendants John D. Tamagni and Robert Elliott stipulate and agree through their
 19 respective counsel that the above-entitled action may be dismissed in its entirety (with
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1 prejudice), with each party to bear its own costs and attorneys fees.

2 Date: October 15, 2009

RYNN & JANOWSKY, LLP

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By: /s/ Marion I. Quesenbery
MARION I. QUESENBERY
Attorneys for Plaintiffs

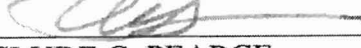
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6 Date: October 15, 2009

LAW OFFICE OF CLYDE C. PEARCE

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By: 
CLYDE C. PEARCE
Law Office of Clyde C. Pearce
144 W. Gabilan Street
Salinas, CA 93901
Attorneys for Defendants

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13 **IT IS SO ORDERED.** This action is hereby dismissed in its entirety, with each
14 party to bear its own costs and attorneys fees.

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Date: XXXXX 17, 2009
November


U.S. DISTRICT COURT JUDGE

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