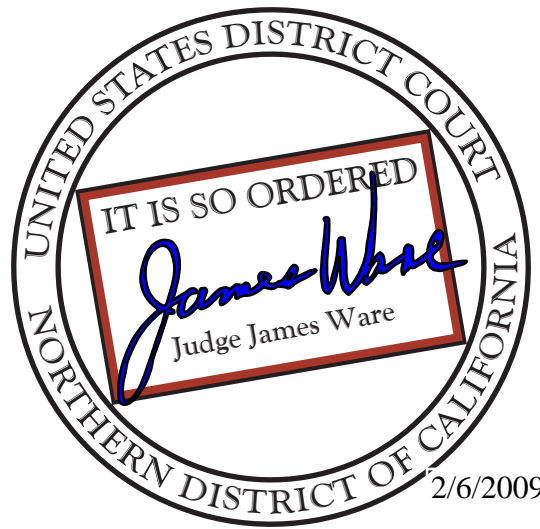


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2/6/2009

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

15 NATIONAL BUSINESS OFFICERS )  
 16 ASSOCIATION, INC., Individually and on )  
 Behalf of All Others Similarly Situated, )

17 Plaintiff, )

18 vs. )

19 NVIDIA CORPORATION; DELL, INC.; )  
 20 HEWLETT-PACKARD COMPANY; and )  
 21 DOES 1 through 50, )

22 Defendants. )

**Case No. C-08-05179 JW/HRL**

**CLASS ACTION**

**VOLUNTARY DISMISSAL OF**  
**DEFENDANT DELL, INC. WITHOUT**  
**PREJUDICE PER AUTHORIZATION OF**  
**PLAINTIFF**

**[Fed. R. Civ. P. 41(a)(1)(A)(i)]**

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT, Plaintiff National Business Officers Association, Inc. (“NBOA”) voluntarily dismisses the above-captioned action as to Defendant Dell, Inc. (“Dell”) without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Plaintiff NBOA expressly reserves the right to amend the operative complaint to add Dell as a defendant in this action after the Ninth Circuit's ruling in *Omstead v. Dell, Inc.*, Case No. 08-16479 becomes final, pursuant to the parties’ Tolling Agreement.

Dated: January 21, 2009 ZELDES & HAEGGQUIST, LLP

By /s/ Helen Zeldes  
Helen Zeldes  
Attorneys for Plaintiff National Business  
Officers Association, Inc.

**GENERAL ORDER 45 ATTESTATION**

I, Krista M. Enns, am the ECF User whose ID and password was used to file this In compliance with General Order 45, X.B., I hereby attest that Helen Zeldes, counsel for Plaintiff, authorized this filing and concurred therein.

Dated: January 21, 2009 By: /s/ Krista M. Enns  
Krista M. Enns  
WINSTON & STRAWN LLP  
Attorneys for Defendant Dell, Inc.