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5 (650) 964-8901

6 Attorney for Plaintiff  
7 HARVEY BUTLER

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT CALIFORNIA

11 JAY MARTIN, GREG PARKER, )  
12 HARVEY BUTLER and ANDREW SYMONS )

CASE NO. C09-02618

13 Plaintiffs, )

14 vs. )

**STIPULATION AND ORDER  
FOR DISMISSAL AS TO  
PLAINTIFF HARVEY BUTLER**

15 DAVIS CALIBRATION, LLC, )  
16 Aka DAVIS INOTEK INSTRUMENTS, )

17 Defendant. )

18 PLAINTIFF HARVEY BUTLER AND DEFENDANT hereby jointly  
19 stipulate to the Dismissal of his causes of action with prejudice  
20 set forth in Counts VIII and IX of the Complaint.

21 Each party to bear his/its own costs.

22 Dated: April 7, 2010

LAW OFFICE OF FRANK E. MAYO

23 By: \_\_\_\_\_/S/\_\_\_\_\_  
24 Frank E. Mayo  
25 Attorney for Plaintiff  
JAY MARTIN

26 Dated: April , 2010

SEYFARTH SHAW LLP


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By: \_\_\_\_\_/s/\_\_\_\_\_  
Cassandra H. Carroll  
Attorneys for Defendant

IT IS SO ORDERED:

The above-entitled causes of action by HARVEY BUTLER as set forth in Counts VIII and IX are hereby dismissed with prejudice.

Dated: 4/22/10

  
\_\_\_\_\_  
JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE