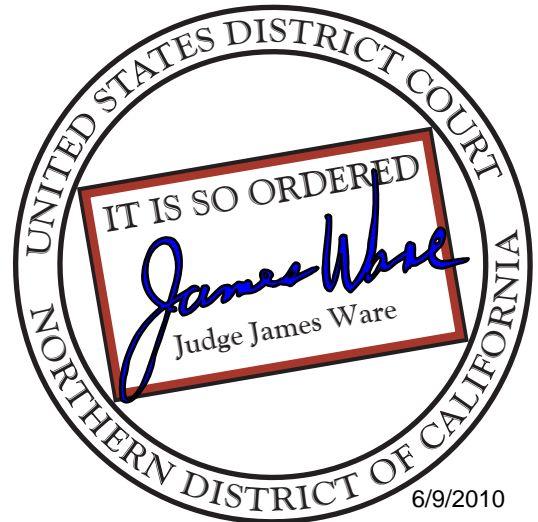


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14  
 15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN JOSE DIVISION**

18 RUDOLF ZIJDEL, individually and on behalf  
 of all others similarly situated,

19 Plaintiff,

20 v.

21 THUMBPLAY, INC., a Delaware  
 22 corporation,

23 Defendant.

Case No.: C 09-03252 (JW)

**STIPULATION TO DISMISS ACTION  
 WITHOUT PREJUDICE PURSUANT TO  
 FED. R. CIV. P. 41(a)(1)**

[Honorable James Ware]



1 joining the settlement, related to the alleged imposition of unauthorized charges on the wireless  
2 telephone bills of consumers;

3 **WHEREAS**, on March 25, 2010, the Court issued an Order terminating Thumbplay's  
4 motion to dismiss and requiring the Parties to voluntarily dismiss this action pursuant to Fed. R.  
5 Civ. P. 41(a) on or before June 4, 2010, or appear to show cause on June 14, 2010 as to why the  
6 Court should not dismiss the action pursuant to Fed. R. Civ. P. 41(b);

7 **WHEREAS**, the settlement referenced above is proceeding;

8 **NOW THEREFORE**, pursuant to Fed. R. Civ. P. 41(a)(1), the Parties hereby  
9 **STIPULATE** and **AGREE** as follows:  
10

11 1. This action is hereby dismissed without prejudice and with each Party to bear their  
12 own costs and attorneys fees.

13 **IT IS SO STIPULATED.**

14 Dated: June 4, 2010

EDELSON MCGUIRE LLC

15  
16 By: /s/ Rafey S. Balabanian  
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22 Dated: June 4, 2010

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