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 CARMEL FINANCIAL CORPORATION, INC.

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

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12	LUIS MARISCAL, individually and on behalf)	Case No. C 09 03279 LHK
	of all others similarly situated,)	
13)	STIPULATION AND
	Plaintiff,)	ORDER OF VOLUNTARY DISMISSAL
14)	
	v.)	
15)	
	AQUA SUPREME and CARMEL)	
16	FINANCIAL CORPORATION, INC.,)	
)	
17	Defendants.)	
)	
18)	

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In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties, by counsel, hereby stipulate and agree that the above-captioned action, which has not been certified as a class action, be and hereby is dismissed with prejudice as to plaintiff's individual claims and without prejudice as to the claims, if any, of any and all putative class members. The parties shall bear their own costs and attorneys' fees.

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IT IS SO STIPULATED.

DATED: _____, 2010

SEYFARTH SHAW LLP

/s/
Lawrence E. Butler
Giovanna A. Ferrari
Attorneys for Defendant
CARMEL FINANCIAL CORPORATION, INC

DATED: _____, 2010

LAW OFFICES OF WILLIAM E. KENNEDY

By _____
/s/
William E. Kennedy
Attorneys for Plaintiff
LUIS MARISCAL

ORDER

It is hereby ORDERED that the above-captioned matter, which has not been certified as a class action, hereby is dismissed with prejudice as to plaintiff's individual claims and without prejudice as to the claims, if any, of any and all putative class members. The parties shall bear their own costs and attorneys' fees. The Clerk shall close the file and terminate any pending motions.

IT IS SO ORDERED.

DATED: 09/07/2010

Lucy H. Koh
Hon. Lucy H. Koh