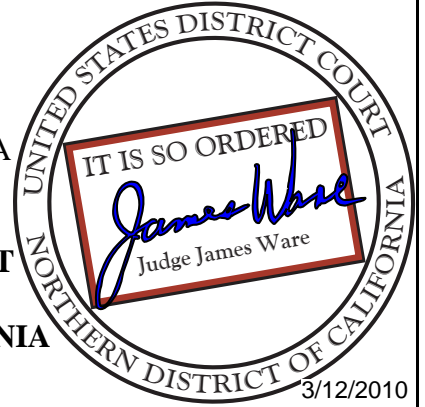


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6
 7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**
 9 **SAN JOSE DIVISION**

10
 11 FELISA ESTRADA and SERGIO ZAMORA,
 individually and on behalf of other similarly
 12 situated persons,

13 Plaintiffs,

14 v.

15 SALYER AMERICAN, a California
 Corporation; SALYER AMERICAN FRESH
 16 FOODS, INC., a California Corporation; SK
 FOODS, L.P., a California Limited Partnership;
 17 SK FROZEN FOODS, LLC, a California
 Limited Liability Company; THE SCOTT
 18 SALYER REVOCABLE TRUST; RHM
 INDUSTRIAL/SPECIALTY FOODS, INC., a
 California Corporation; SCOTT SALYER,
 19 individually and doing business as SALYER
 AMERICAN; BANK OF THE WEST, a
 20 California banking Corporation; AGSTAR
 FINANCIAL SERVICES, PCA/FLCA; FCS
 21 FINANCIAL, PCA; STEVE FRANSON; and
 DOES 1 through 100, inclusive,

22 Defendants.

Case No. CV 09-05618 JW

**NOTICE OF VOLUNTARY
 DISMISSAL OF PARTIES**

23
 24 NOTICE IS HEREBY GIVEN that pursuant to Federal Rules of Civil Procedure 41(a)(1),
 25 plaintiffs voluntarily dismiss from the above-captioned action, defendant SALYER AMERICAN
 26 without prejudice. All parties are to bear their own attorneys' fees and costs.

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Date: March 2, 2010

FITZPATRICK, SPINI & SWANSTON

/S/ CHARLES SWANSTON
Charles Swanston
Attorneys for Plaintiffs
FELISA ESTRADA and SERGIO ZAMORA

CERTIFICATE OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 and not a party to the within action; my business address is FITZPATRICK, SPINI & SWANSTON, 838 S. Main Street, Suite E, Salinas, California 93901.

On March 2, 2010, I served the foregoing document(s), described as

NOTICE OF VOLUNTARY DISMISSAL OF PARTIES

on the interested parties in this action by placing a true copy thereof enclosed in a parcel and addressed as indicated below and by the following means:

Leland Saccone, Esq.
Patane Gumberg, LLP
4 Rossi Circle, Suite 231
Salinas, CA 93907
Telephone: (831) 755-1461
Facsimile: (831) 755-1477
Counsel for Salyer American

XX

(BY MAIL) I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(BY OVERNIGHT DELIVERY) I enclosed the document(s) in an envelope or package and addressed to the person(s) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

(BY PERSONAL SERVICE) I caused such document(s) to be delivered by hand to the office(s) of the addressee(s) during business hours.

(BY E-MAIL OR ELECTRONIC TRANSMISSION) By court order or by agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed above. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 2, 2010, at Salinas, California.

/S/
GLADYS RODRIGUEZ