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6 Attorneys for Defendants,
CALLVINE, INC. and EDWARD R. PRINCE
7 erroneously sued herein as RUDY PRINCE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

12 TIMOTHY GENS,
13
14 Plaintiff,
15
16 v.
17 VELLO CORPORATION; CALLVINE,
INC. and RUDY PRINCE,
18
19 Defendants.

CASE NO. 5:10-cv-03220-JF

STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL OF ENTIRE
ACTION WITH PREJUDICE AS TO
DEFENDANTS CALLVINE, INC. AND
EDWARD R. PRINCE (ERRONEOUSLY
SUED HEREIN AS RUDY PRINCE) ONLY

(Local Rule 7-12)

21 WHEREAS, plaintiff Timothy Gens (“Mr. Gens”) seeks at this time to dismiss *with*
22 *prejudice* his entire action against defendants Callvine, Inc. (“Callvine”) and Edward R. Prince
23 (erroneously sued herein as “Rudy Prince” and hereinafter referred to as “Prince”);

24 WHEREAS, pursuant to Federal Rules of Civil Procedure 41(a) and the Order of the
25 Honorable Magistrate Judge Trumbull dated October 26, 2010 and filed October 27, 2010
26 (Docket No. 35), this case may only be dismissed by either the stipulation of the parties or order
27 of the court because defendants Callvine and Prince have already appeared by filing answers;
28

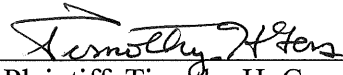
1 WHEREAS, defendants Callvine and Prince consent to the dismissal with prejudice of the
2 entire action against them;

3 WHEREAS, defendant Vello Corporation has not yet appeared in this action;

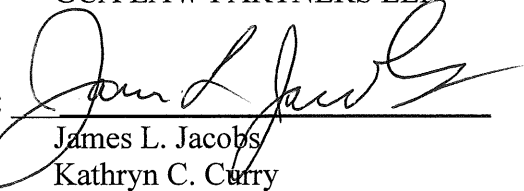
4 THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN TIMOTHY GENS
5 AND ATTORNEYS' OF RECORD FOR DEFENDANTS CALLVINE AND PRINCE AS
6 FOLLOWS:

7 1. The entire action against defendants Callvine, Inc. and Edward R. Prince is hereby
8 DISMISSED WITH PREJUDICE.

9 DATED: December 15, 2010

10
11 By: 
12 Plaintiff, Timothy H. Gens
13 In Pro Per

14 DATED: December 15, 2010

15 GCA LAW PARTNERS LLP
16 By: 
17 James L. Jacobs
18 Kathryn C. Curry
19 Attorneys for Defendants
20 CALLVINE, INC. and EDWARD R.
21 PRINCE

22 **ORDER**

23 PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO
24 ORDERED.

25 Date: 1/5/11

26 
27 UNITED STATES DISTRICT COURT JUDGE