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9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**
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12 SEAN HESSE and JENNIFER HESSE,
 13 Plaintiffs,
 14 vs.
 15 DEPUY SPINE, INC., and DOES 1
 through 10, inclusive,
 16 Defendant.
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CASE NO. CV 10-03521-LHK

**~~PROPOSED~~ ORDER DISMISSING
 ENTIRE ACTION**

*[Filed concurrently with Joint
 Stipulation]*

[Assigned to Hon. Lucy H. Koh]

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 20 **ORDER**

21 The Court, having considered the Joint Stipulation of Plaintiffs SEAN HESSE
 22 and JENNIFER HESSE ("Plaintiffs") and Defendant DEPUY SPINE, INC. finds:

- 23 1. WHEREAS Plaintiffs seek to voluntarily dismiss this action;
- 24 2. WHEREAS Plaintiffs and DEPUY SPINE, INC. have stipulated to
- 25 DEPUY SPINE, INC.'s waiver of all fees and costs that it would be entitled to seek
- 26 from the Court in exchange for Plaintiffs' dismissal of this action;
- 27 3. WHEREAS Plaintiffs and DEPUY SPINE, INC. have further stipulated
- 28 to DEPUY SPINE, INC.'s waiver of any claim for malicious prosecution against

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Plaintiffs in exchange for Plaintiffs' dismissal of this action;

IT IS HEREBY ORDERED that the action *SEAN HESSE and JENNIFER HESSE, Plaintiffs, vs. DEPUY SPINE, INC., and DOES 1 through 10, inclusive, Defendant*, United States District Court - Northern District of California Case No. CV 10-03521-LHK, is dismissed in its entirety and with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

IT IS SO ORDERED.

DATED: September 20, 2010

By: *Lucy H. Koh*
HON. LUCY H. KOH
United States District Court Judge