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5 Attorneys for Defendant,  
 THOMAS E. FRANCIS, M.D.  
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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**  
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11 RICHARD SUTHERLAND as assignee  
 of NIGEL ALLEN, et al.,  
 12  
 Plaintiff,  
 13  
 v.  
 14 THOMAS E. FRANCIS,  
 15  
 Defendant.  
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Case No. 5:12-CV-05110 LHK  
**STIPULATION TO DISMISS CASE;  
 [PROPOSED] ORDER**  
 Hon.: Lucy H. Koh  
 Complaint filed: 10/02/2012  
 Trial Date: 10/16/2017

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 19 The undersigned, as counsel for the parties in this case, hereby acknowledge  
 20 and stipulate that their respective clients have settled this matter and the case may  
 21 now be dismissed, with prejudice, in its entirety, all parties to bear their own fees  
 22 and costs.

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SO STIPULATED.

Dated: July 27, 2016

WFBM, LLP

By: *Ferdie Franklin*  
FERDIE F. FRANKLIN  
Attorneys for Defendant,  
THOMAS E. FRANCIS, M.D.

Dated: July 27, 2016

LAW OFFICES OF MARK W. LAPHAM

By: /s/ Mark W. Lapham  
MARK W. LAPHAM  
Attorneys for Plaintiffs,  
RICHARD SUTHERLAND  
and ANTHONY MALFALTI

**ORDER**

Based on the stipulation of the parties, this case is hereby dismissed, in its entirety, with prejudice, and all parties are to bear their own costs and fees.

The Clerk shall close the case file.

IT IS SO ORDERED.

DATE: July 28, 2016

*Lucy H. Koh*  
Hon. Lucy H. Koh, Judge  
United States District Court

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is One City Boulevard West, Fifth Floor, Orange, CA 92868-3677.

On July 27, 2016, I served true copies of the following document(s) described as **STIPULATION TO DISMISS CASE; AND [PROPOSED] ORDER** on the interested parties in this action:

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 27, 2016, at Orange, California.

*Roberta A. Averill*

Roberta Averill