

1 Arasto Farsad, ESQ. (SBN 273118)  
 FarsadLaw1@gmail.com  
 2 FARSAD LAW OFFICE, P.C.  
 2905 Stender Way Suite 76  
 3 Santa Clara CA 95054  
 Tel: (408) 641-9966 | Fax: (408) 866-7334  
 4 Attorneys for Plaintiffs ROSARIO FORONDA and  
 BELLA DIVINA

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 6 Scott T. Reigle, ESQ. (SBN 288515)  
 sreigle@afrc.com  
 ANGLIN, FLEWELLING, RASMUSSEN,  
 7 CAMPBELL & TRYTTEN LLP  
 199 South Los Robles Avenue, Suite 600  
 8 Pasadena, California 91101-2459  
 Telephone: (626) 535-1900  
 9 Facsimile: (626) 577-7764

10 Attorneys for Defendant  
 WELLS FARGO BANK, N.A., successor  
 11 by merger with Wells Fargo Bank  
 Southwest, N.A., f/k/a Wachovia Mortgage,  
 12 FSB, f/k/a World Savings Bank, FSB  
 ("Wells Fargo") (erroneously sued as  
 13 "WELLS FARGO HOME MORTGAGE,  
 INC.")

14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17

18 ROSARIO FORONDA and BELLA DIVINA,  
 19 Plaintiffs,  
 20 v.  
 21 WELLS FARGO HOME MORTGAGE, INC.  
 and DOES 1-10 inclusive,  
 22 Defendants.  
 23  
 24  
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CASE NO.: 5:14-CV-03513-LHK

[The Honorable Lucy H. Koh]

**STIPULATED DISMISSAL WITH  
PREJUDICE PURSUANT TO FED. R. OF  
CIV. P. 41(a)(1)(A)(ii)**

**Date Action Filed: July 2, 2014**

**Date Action Removed: August 2, 2014**

**Superior Court Case No. 114CV267426**

26 TO THE HONORABLE JUDGE LUCY H. KOH: Plaintiffs, ROSARIO FORONDA  
 27 and BELLA DIVINA (hereinafter, "Plaintiffs") and WELLS FARGO HOME MORTGAGE,  
 28 INC., (hereinafter, the "Defendant") (or, referred to collectively as the "Parties"), by and

1 through their respective attorneys of record, hereby stipulate to the dismissal of this action  
2 **with prejudice** pursuant to FRCP Rule 41 (a)(1)(A)(ii). Pursuant to Rule 41(a)(1)(A) (ii), a  
3 "plaintiff may dismiss an action without court order by filing . . . a stipulation signed by all  
4 parties who have appeared."<sup>1</sup>

5 **RECITALS**

- 6 1. On or about July 2, 2014, Plaintiffs filed this case in the Superior Court, County of Santa  
7 Clara, with case number 114CV267426 assigned. (Hereinafter, the "Action.")  
8  
9 2. On August 2, 2014, Defendant filed a Notice of Removal and removed the Action to the  
10 instant court.  
11  
12 3. On or about March 28, 2015, the Parties agreed in principal to a settlement.  
13  
14 4. Accordingly, the undersigned Parties hereby represent that they have entered into a  
15 settlement agreement which has resolved all controversies to their mutual satisfaction.

16 WHEREFORE, the Parties hereby agree to dismiss the instant case with prejudice  
17 pursuant to Rule 41(a)(1)(A)(ii) with each party to bear their own attorneys' fees and costs in  
18 accordance with the terms of the Agreement between the Parties.

19  
20 Dated: **April 2, 2015**

FARSAD LAW OFFICE, P.C.

21 /s/ Arasto Farsad

22 By: Arasto Farsad  
23 Attorneys for Plaintiffs  
24 ROSARIO FORONDA and  
25 BELLA DIVINA

26 \_\_\_\_\_  
27 <sup>1</sup> Voluntary dismissals filed pursuant to this rule allow the parties to bypass the court and  
28 effectuate dismissals without court order. Thus, a properly filed stipulated dismissal made  
pursuant to Rule 41(a)(1)(ii) is effective automatically and does not require judicial approval.  
*See, e.g., Hester Indus., Inc. v. Tyson Foods, Inc., 160 F.3d 911, 916 (2d Cir. 1998) and cases  
cited therein.)*

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Dated: April 2, 2015

ANGLIN, FLEWELLING, RASMUSSEN,  
CAMPBELL & TRYTTEN LLP

By: /s/ Scott T. Reigle

Scott T. Reigle

Attorneys for Defendant WELLS FARGO BANK, N.A.,  
successor by merger with Wells Fargo Bank Southwest,  
N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World  
Savings Bank, FSB ("Wells Fargo") (erroneously sued  
as "WELLS FARGO HOME MORTGAGE, INC.")

I hereby attest that I have on file all holographic signatures corresponding to any signatures  
indicated by a conformed signature (/S/) within this e-filed document.

The Clerk shall close the case file.

Dated: April 3, 2015

