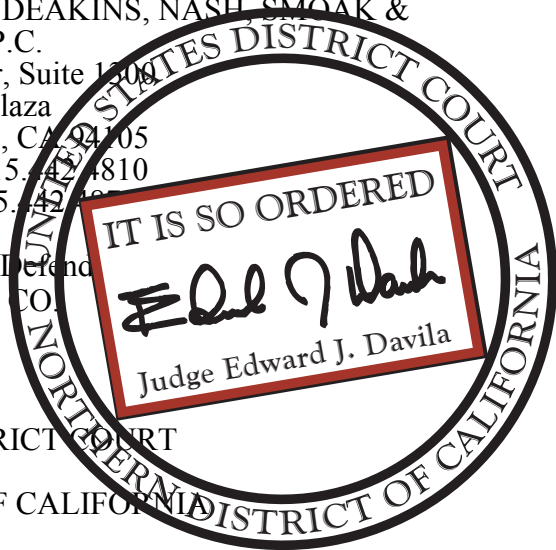


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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

4/13/2016
 The Clerk shall
 close this file.

14 TED PERRY,
 15 Plaintiff,
 16 v.
 17 WALGREEN CO.,
 18 Defendant.

Case No. 15-cv-04144-EJD
**STIPULATED DISMISSAL WITH
 PREJUDICE PURSUANT TO FED. R.
 OF CIV. P. 41(A)(1)(A)(II)**

28 STIPULATED DISMISSAL WITH
 PREJUDICE PURSUANT TO FED. R. CIV.
 P. 41(A)(1)(A)(II)

Case No. 15-cv-04144-EJD

1 **TO THE CLERK OF THE COURT AND HONORABLE JUDGE EDWARD J. DAVILA:**

2 Plaintiff Ted Perry and Defendant Walgreen Co. (referred to collectively as the “Parties”),
3 by and through their respective attorneys of record, hereby stipulate to the dismissal of this action
4 with prejudice pursuant to Fed. R. Civ. P. Rule 41(a)(1)(A)(ii), which states that a “plaintiff may
5 dismiss an action without court order by filing . . . a stipulation signed by all parties who have
6 appeared.” Thus, a properly filed stipulated dismissal made pursuant to Rule 41(a)(1)(ii) is
7 effective automatically and does not require judicial approval. *Hester Indus., Inc. v. Tyson Foods,*
8 *Inc.*, 160 F.3d 911, 916 (2d Cir. 1998).

9 **RECITALS**

10 1. On or about August 11, 2015, Plaintiff filed this case in the Superior Court, County of
11 Santa Clara, with case number 115CV284181 assigned (the “Action”).

12 2. On September 11, 2015, Defendant filed a Notice of Removal and removed the Action
13 to the instant court.

14 3. On or about March 29, 2016, the Parties participated in court-ordered mediation and
15 thereafter agreed to resolve all controversies to their mutual satisfaction.

16 **STIPULATION OF DISMISSAL WITH PREJUDICE**

17 WHEREFORE, the Parties, through their undersigned attorneys of record, hereby stipulate
18 to dismiss the instant case, with prejudice, pursuant to Rule 41(a)(1)(A)(ii). Each Party shall bear
19 all of his or its own attorneys’ fees and costs in accordance with the terms of the agreement between
20 the Parties. The Clerk of this Court shall close the case file.

21 **IT IS SO STIPULATED.**

1 Dated: April 8, 2016

SEBASTIAN MILLER LAW, P.C.

2
3 By: /s/ Sebastian L. Miller

4 Sebastian L. Miller

5 Attorneys for Plaintiff
6 TED PERRY

7 Dated: April 8, 2016

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

8
9 By: /s/ Michael N. Westheimer

10 Michael N. Westheimer

11 Attorneys for Defendant
12 WALGREEN CO.

13 **ATTORNEY ATTESTATION**

14 I, Sebastian L. Miller, attest that concurrence in the filing of this document has been
15 obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed
16 document. I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18
19 Dated: April 11, 2016

SEBASTIAN MILLER LAW, P.C.

20
21 By: /s/ Sebastian L. Miller

22 Sebastian L. Miller
23 Attorneys for Plaintiff
24 TED PERRY