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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

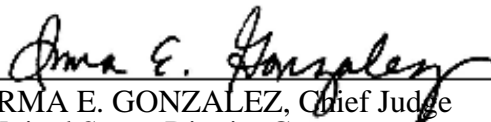
NICOLAAS ELLINGTON,  
  
Plaintiff,  
  
vs.  
  
PROGRESSIVE DIRECT INSURANCE  
COMPANY,  
  
Defendant.

CASE NO. 08CV2083 - IEG- BLM  
ORDER DISMISSING COMPLAINT  
WITHOUT PREJUDICE

On December 30, 2008, the parties submitted a joint motion to dismiss the case without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). Accordingly, the Court grants the motion and dismisses the complaint without prejudice.

IT IS SO ORDERED.

DATED: January 5, 2009

  
IRMA E. GONZALEZ, Chief Judge  
United States District Court