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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

9 EDWARD N. SMITH, an individual;  
10  
11 Plaintiff,

Case No.: 2:15-cv-02207-RFB-PAL

11 v.

**STIPULATION AND ORDER FOR  
DISMISSAL OF FIRST ELECTRONIC  
BANK WITH PREJUDICE**

12 U.S. BANK, N.A., a national banking  
13 association doing business as ELAN  
14 FINANCIAL SERVICES; BMW FINANCIAL  
15 SERVICE N.A., LLC, a foreign limited liability  
16 company; FRY’S ELECTRONICS, INC. dba  
17 FIRST ELECTRONIC BANK, a foreign  
18 corporation; EQUIFAX, INC., a foreign  
19 corporation; EXPERIAN INFORMATION  
20 SOLUTIONS, INC., a foreign corporation;

21 Defendants.

19 Plaintiff, Edward N. Smith, and defendant First Electronic Bank (“FEB”) (incorrectly  
20 captioned as Fry’s Electronics, Inc. dba First Electronic Bank), stipulate and agree, by and  
21 through their respective attorneys of record, and subject to the court’s approval, that pursuant to  
22 Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the above-captioned matter is

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1 hereby dismissed with prejudice as to FEB, with each party bearing their own attorneys' fees and  
2 costs incurred herein.

3 RESPECTFULLY SUBMITTED.

4 DATED this 9<sup>th</sup> day of February, 2016.

DATED this 9<sup>th</sup> day of February, 2016.

5 **LAW OFFICE OF**  
6 **KEVIN L. HERNANDEZ**

**BALLARD SPAHR LLP**

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/s/ Sylvia O. Semper  
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*Attorneys for First Electronic Bank.*

13 **ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT FIRST**  
14 **ELECTRONIC BANK**

15 Pursuant to the foregoing stipulation of plaintiff and FEB under FRCP 41(a), defendant  
16 FEB shall be dismissed with prejudice, and each party shall bear their own attorneys' fees and  
17 costs.

18 **IT IS SO ORDERED:**

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20 RICHARD F. BOULWARE, II  
21 United States District Judge  
22 DATED: February 14, 2016.  
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