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7 **UNITED STATES DISTRICT COURT**  
 8 **DISTRICT OF NEVADA**

9 KEILA I. BENITEZ, an individual;  
 10  
 Plaintiff,  
 11  
 v.  
 12 CAPITAL ONE BANK USA, N.A., a national  
 banking association; CITIBANK, N.A, a  
 13 national banking association; COMENITY  
 BANK, a national banking association;  
 14 EQUIFAX, INC., a foreign corporation;  
 15  
 Defendants.  
 16

Case No.: 2:17-cv-02037-RFB-GWF

**STIPULATION AND ORDER FOR  
 DISMISSAL OF DEFENDANT  
 CAPITAL ONE BANK (USA), N.A.  
 WITH PREJUDICE**

17 Plaintiff, Keila I. Benitez (“Plaintiff”), and Defendant, Capital One Bank (USA), N.A.  
 18 (“Capital One”) (the “Parties”) have resolved all claims, disputes, and differences between the  
 19 Parties.

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Therefore, Plaintiff and Capital One, by and through their respective attorneys of record, and subject to the court's approval, respectfully request dismissal of the above-captioned matter with prejudice under FRCP 41(a) as to Capital One, with Plaintiff and Capital One bearing their own attorneys' fees and costs incurred in this action.

Respectfully Submitted.

Dated: December 19, 2017

Dated: December 19, 2017

**LAW OFFICE OF  
KEVIN L. HERNANDEZ**

**FERNALD LAW GROUP LLP**

/s/ Kevin L. Hernandez  
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USA, N.A.*

**ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT CAPITAL ONE  
BANK (USA), N.A.**

Pursuant to the stipulation of the Parties under FRCP 41(a), Capital One is dismissed with prejudice. Plaintiff and Capital One will bear their own attorneys' fees and costs incurred in this action.

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
RICHARD F. BOULWARE, II  
United States District Judge

DATED this 20th day of December, 2017.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing **STIPULATION AND ORDER FOR DISMISSAL OF DEFENDANT CAPITAL ONE BANK (USA), N.A. WITH PREJUDICE** was electronically served to the following parties:

Brandon C. Fernald, Esq.  
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*Attorneys for Defendant Capital  
One Bank USA, N.A.*

Dated: December 19, 2017

/s/ Caesy Morales  
An Employee of the Law Office of Kevin L.  
Hernandez