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Attorneys for Plaintiff
DAVID JAMES DUNCAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID JAMES DUNCAN,

Plaintiff,

v.

THOMAS A. COHEN, et al.,

Defendants.

Case No.: 3:08-cv-02243-BZ

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41**

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff David James Duncan and Defendants Thomas A. Cohen d/b/a Hammermark Productions, Kristi Denton Cohen d/b/a Peloton Productions, and Sierra Club (collectively, “the Defendants”), by and through their respective counsel of record, stipulate to the following:

WHEREAS, Plaintiff Duncan and the Defendants (collectively, “the Parties”) have entered a settlement agreement resolving the claims for relief asserted in the above-captioned action;

WHEREAS, the Parties agree that this lawsuit should be dismissed with prejudice; and

1 WHEREAS, the Parties have agreed and stipulated to the entry of this Order of Dismissal
2 with Prejudice.

3 NOW THEREFORE, the Parties, by and through their counsel of record, agree and
4 stipulate that this Order of Dismissal With Prejudice shall be entered and this case shall be
5 dismissed with prejudice.
6

7 Dated: November 18, 2008 ORRICK, HERRINGTON & SUTCLIFFE LLP

8 By: _____/s/ *Annette L. Hurst*_____

9 Attorneys for Plaintiff David James Duncan
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11 Dated: November 18, 2008 CREATIVE INDUSTRY LAW GROUP LLP

12 By: _____/s/ *Lizbeth Hasse*_____

13 Attorneys for Defendants Thomas A. Cohen and
14 Kristi Denton Cohen
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16 Dated: November 18, 2008 DAVIS WRIGHT TREMAINE LLP

17 By: _____/s/ *Thomas R. Burke*_____

18 Attorneys for Defendant Sierra Club
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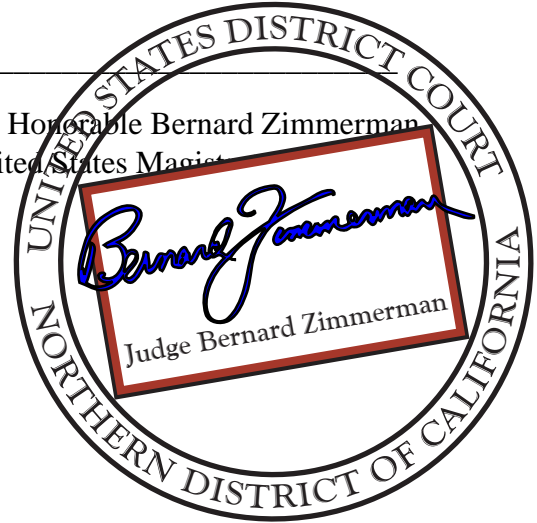
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~~PROPOSED~~ ORDER

IT IS SO ORDERED.

DATED: 11/26/08

The Honorable Bernard Zimmerman
United States Magistrate



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ATTESTATION OF E-FILED SIGNATURE

I, Annette L. Hurst, attest that Lizbeth Hasse and Thomas Burke have read and approved the attached Stipulation and Order of Dismissal With Prejudice.

/s/ Annette L. Hurst
ANNETTE L. HURST