

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
DISCOVER FINANCIAL SERVICES, DFS
SERVICES, LLC, and DISCOVER BANK,

Plaintiffs,

v.

VISA U.S.A. INC., VISA INTERNATIONAL
SERVICE ASSOCIATION, MASTERCARD
INCORPORATED, and MASTERCARD
INTERNATIONAL INCORPORATED,

Defendants.
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Case No: 04-CV-7844

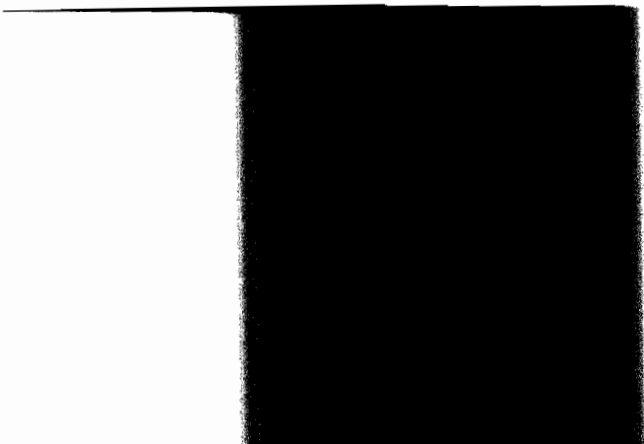
ECF Case

**STIPULATION AND ORDER OF
DISMISSAL WITHOUT
PREJUDICE**

WHEREAS, this action was commenced on October 4, 2004; and

WHEREAS, Discover Financial Services, DFS Services, LLC, and Discover Bank (collectively, "Plaintiffs") and MasterCard Incorporated and MasterCard International Incorporated and Visa U.S.A. Inc. and Visa International Service Association (collectively, "Dismissed Defendants"), wish to discontinue this action as to each other.

IT IS HEREBY STIPULATED AND AGREED, pursuant to the Federal Rules of Civil Procedure, by and between Plaintiffs and Dismissed Defendants, through their undersigned counsel of record, that all claims asserted by Plaintiffs in the above-captioned action against the Dismissed Defendants are dismissed in their entirety without prejudice in accordance with the October 27, 2008 Release and Settlement Agreement between Discover Financial Services, DFS Services, LLC, and Discover Bank, MasterCard Incorporated and MasterCard International Incorporated, and Visa U.S.A. Inc. and Visa International Service Association, each party to bear its own costs and attorneys' fees.



Dated: November //, 2008

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The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: November 12, 2008


BARBARA S. JONES