

1 Ben F. Pierce Gore (SBN 128515)
2 PRATT & ASSOCIATES
3 1871 The Alameda, Suite 425
4 **San Jose, CA 95126**
5 Telephone: (408) 429-6506
6 Facsimile: (408) 369-0752
7 *pgore@prattattorneys.com*

8 *Attorney for Plaintiff*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 ROBERT FIGY, and MARY
12 SWEARINGEN, for themselves and on
13 behalf of all others similarly situated,

14 Plaintiffs,

15 v.

16 FRITO-LAY NORTH AMERICA, INC.,

17 Defendant.

Case No. 3:13-CV-3988

**PLAINTIFFS' NOTICE OF VOLUNTARY
DISMISSAL**

Action Filed: August 27, 2013

1 Plaintiffs Robert Figy and Mary Swearingen (hereinafter "Plaintiffs") hereby file this their
2 notice of dismissal pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(i). Defendant has
3 filed neither an answer nor a motion for summary judgment in this cause. Plaintiffs respectfully
4 ask that the clerk take all actions necessary to dismiss this matter from the docket.
5

6 Dated: September 11, 2014

PLAINTIFFS FIGY AND SWEARINGEN

7 /s/ Gary Yarborough

8 Gary M. Yarborough, Jr. (Pro Hac Vice)
9 Yarborough Law Firm
845-B Highway 90
10 Bay Saint Louis, MS 39520
Telephone: (228) 467-5771
11 Fax: (228) 467-5774
Email: ylf.garyyarborough@att.net

12 Dewitt M. Lovelace
13 LOVELACE LAW FIRM, P.A.
12870 U.S. Hwy 98 West, Suite 200
14 Miramar Beach, FL32550
Telephone: (850) 837-6020
15 Fax: (850) 837-4093
dml@lovelacelaw.com

16 Ben F. Pierce Gore (SBN 128515)
17 PRATT & ASSOCIATES
1871 The Alameda, Suite 425
18 San Jose, CA 95126
Telephone: (408) 429-6506
19 Facsimile: (408) 369-0752
pgore@prattattorneys.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of Service

I, Gary M. Yarborough, Jr., counsel for Plaintiffs Robert Figy and Mary Swearingen, do hereby certify that I have served, via ECF and email, a true and correct copy of the above and foregoing pleading to:

Andrew S. Tulumello
atulumello@gibsondunn.com
Geoffrey M. Sigler
gsigler@gibsondunn.com
Jason R. Meltzer
jmeltzer@gibsondunn.com
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539

Dated: September 11, 2014.

/s/ Gary M. Yarborough, Jr.
Gary M. Yarborough, Jr.