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9 Attorney for Plaintiff
10 PATRICK HESANO, and on Behalf
11 of All Others Similarly Situated.

12
13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 PATRICK HESANO,
16 Individually and on Behalf of All
17 Others Similarly Situated,

No. 13-cv-1960-WQH (JMA)

18 Plaintiff,

**STIPULATION OF
DISMISSAL WITH
PREJUDICE**

19 v.

[F.R.C.P. 41 (a)(1)(A)(ii)]

Honorable William Q. Hayes

20
21 IOVATE HEALTH SCIENCES, INC.,
22 IOVATE HEALTH SCIENCES U.S.A, INC., AND
23 IOVATE HEALTH SCIENCES GROUP, INC.
24 n/k/a KERR INVESTMENT HOLDING CORP.;

25 Defendants.
26 _____/

27
28 13-cv-1960-WQH (JMA)

STIPULATION OF DISMISSAL WITH PREJUDICE

STIPULATION OF VOLUNTARY DISMISSAL

1
2 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff
3 Patrick Hesano and Defendants Iovate Health Sciences, Inc., Iovate Health
4 Sciences U.S.A., Inc., and Iovate Health Sciences Group, Inc. n/k/a Kerr
5 Investment Holding Corp., and their respective counsel, that the above captioned
6 action is voluntarily dismissed, with prejudice, pursuant to Federal Rules of Civil
7 Procedure 41(a)(1)(A)(ii).¹ Each party will bear its own costs and expenses,
8 including attorney's fees.
9
10

11 DATED: May 29, 2014.

12
13 OLIVER LAW GROUP, PC

14 By: /s/ Nick Suciu III
15 Nick Suciu III (*Pro Hac Vice*)
16 Attorneys for Plaintiff
17 Patrick Hesano

18 DATED: May 29, 2014.

19 NEWPORT TRIAL GROUP

20 By: /s/ Dave Reid (with permission)
21 Dave Reid
22 Attorneys for Defendants
23 Iovate Health Sciences, Inc.;
24 Iovate Health Sciences
25 U.S.A., Inc.; and

26 ¹ Plaintiff's Motion for Class Certification has not been filed and there is no
27 certified class. Accordingly, the provisions of Fed. R. Civ. P. 23(e), which would
28 otherwise require court approval of a voluntary dismissal where there has been a
certified class, are not applicable. Fed. R. Civ. P. 23(e).

Iovate Health Sciences
Group, Inc. n/k/a Kerr
Investment Holding Corp.

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

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4 PATRICK HESANO,
5 Individually and on Behalf of All
6 Others Similarly Situated,

No. 13-cv-1960-WQH (JMA)

Hon. William Q. Hayes

7 Plaintiff,

8 v.

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10 IOVATE HEALTH SCIENCES, INC.,
11 IOVATE HEALTH SCIENCES U.S.A, INC., AND
12 IOVATE HEALTH SCIENCES GROUP, INC.
13 n/k/a KERR INVESTMENT HOLDING CORP.;

14 Defendants.

15 **CERTIFICATE OF SERVICE**

16
17 I certify that on May 29, 2014 the foregoing document was served on all
18 parties or their counsel of record through the CM/ECF system if they are registered
19 users or, if they are not, by placing a true and correct copy in the United States
20 mail, postage prepaid, to their address of record.
21
22
23

24 /s/ Nick Suciu III
25 Nick Suciu III (Pro Hac Vice)
26 OLIVER LAW GROUP PC
27 950 W. University Dr., Ste. 200
28 Rochester, MI 48307

13-cv-1960-WQH (JMA)

STIPULATION OF DISMISSAL WITH PREJUDICE