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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 EDWIN ACUNA, individually and on  
13 behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 MYOGENIX INCORPORATED; and  
17 DOES 1-10, Inclusive,

18 Defendants.

Case No.: 3:13-cv-02673-JAH-WVG  
Hon. John A. Houston

**JOINT MOTION AND STIPULATION  
FOR VOLUNTARY DISMISSAL  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 41(a)(1)(A)(ii)**

Date Filed: November 6, 2013

1                   **JOINT MOTION AND STIPULATION OF VOLUNTARY DISMISSAL**

2                   In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff,  
3 EDWIN ACUNA, by and through his undersigned counsel, and Defendant  
4 MYOGENIX INCORPORATED (“Defendant”), by and through its undersigned  
5 counsel, do hereby jointly move, stipulate and agree to a voluntary dismissal with  
6 prejudice of all claims asserted against Defendant in the above-styled action. Each party  
7 agrees to bear their own attorneys’ fees and costs.

8  
9 Dated: June 11, 2014

By: /s/ Scott J. Ferrell  
Scott J. Ferrell, Esq.  
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13                   *Attorneys for Plaintiff*

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15 Dated: June 11, 2014

By: /s/ Kelly A. Van Nort  
Kelly A. Van Nort, Esq.  
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20                   *Attorneys for Defendant*

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23                   I, Scott J. Ferrell, hereby certify that the content of this document is acceptable to  
24 all persons required to sign this document and that I obtained the authorizations  
25 necessary for the electronic signatures of all parties for this document.

26                   By     /s/ Scott J. Ferrell

**CERTIFICATE OF SERVICE**

1  
2 I hereby certify that on June 2, 2014, I electronically filed the foregoing **JOINT**  
3 **MOTION AND STIPULATION FOR VOLUNTARY DISMISSAL PURSUANT**  
4 **TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)** with the Clerk of  
5  
6 the Court using the CM/ECF system which will send notification of such filing via  
7 electronic mail to all counsel of record.  
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10 */s/Scott J. Ferrell*

11 Scott J. Ferrell  
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