

The Honorable Rosanna Malouf Peterson

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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

HAROLD MAPLE, Individually and
on behalf of all others similarly
situated,

No. 2:12-cv-05166 (RMP)

NOTICE OF CROSS-APPEAL

Plaintiff,

v.

COSTCO WHOLESALE
CORPORATION, a Washington
corporation; NIAGARA BOTTLING
LLC, a California limited liability
company, and DOES 1-100,
inclusive,

Defendants.

Notice is hereby given that Defendant Costco Wholesale Corporation cross-appeals to the United States Court of Appeals for the Ninth Circuit from the final judgment dated November 1, 2013 (the “Judgment”) (ECF No. 103) and the Order Granting Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint dated November 1, 2013 (the “November Order”) (ECF No. 102), to the extent that the Judgment and the November Order dismissed Plaintiff’s Second Amended Complaint “without prejudice” instead of with prejudice, and Costco further cross-

1 appeals from the Order Denying Defendants' Motion to Amend Judgment dated
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3 January 7, 2014 (ECF No. 114), denying Costco's motion to amend the Judgment to
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5 be a dismissal with prejudice. This cross-appeal is related to the appeal noticed by
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7 Plaintiff on November 19, 2013. (ECF No. 106.)
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13 RESPECTFULLY SUBMITTED this 16th day of January, 2014.
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17 /s/ Kathleen M. O'Sullivan

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the state of Washington that on January 16, 2014, I caused the foregoing to be served on the persons listed below in the manner shown:

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Dated this 16th day of January , 2014.

s/Linda Nelson
Linda Nelson