

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PAUL COHEN, MARISSA ELDER, TOM
GIOVENCO AND LUIS ORTIZ, individually
and on behalf of all others similarly situated,

Case No. 1:14-cv-23751-PCH

Plaintiff,

v.

XOCHITL (SO SHEE) INC., a Texas
Corporation, and XOCHITL GOURMET
FOODS LLC, a Texas limited liability
Company,

Defendants.

**NOTICE OF STIPULATION OF VOLUNTARY DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, it is stipulated and agreed that Plaintiffs, Paul Cohen, Marissa Elder, Tom Giovenco and Luis Ortiz, hereby dismiss the above-captioned case with prejudice against Defendants, Xochitl (So Shee) Inc. and Xochitl Gourmet Foods, LLC. Each party shall bear its own fees and costs. Per the Court's Order (Doc. No. 27 at ¶ 9), the parties have attached a proposed order for the Court's review.

Consent of Counsel for Defendants

Pursuant to Rule 3J(3) of the Administrative Procedures of the United States District Court for the Southern District of Florida, the undersigned counsel for Plaintiffs represents to the Court that Defendants' counsel has authorized him to affix their electronic signature to this stipulation.

Dated: July 31, 2015

Respectfully Submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2015, I electronically filed a true and correct copy of this Notice of Voluntary Dismissal with the Clerk of the Court using the CM/ECF system, which will send notification to all attorneys of record in this matter.

/s/ John A. Yanchunis
John A. Yanchunis

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XOCHITL (SO SHEE) INC., a Texas
Corporation, and XOCHITL GOURMET
FOODS LLC, a Texas limited liability
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Defendants.

**[PROPOSED] ORDER GRANTING VOLUNTARY DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and the stipulation of the parties, the above-captioned action is HEREBY DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated: _____

The Honorable Paul C. Huck
Senior United States District Judge