

SCOTT COLE & ASSOCIATES, APC
ATTORNEYS AT LAW
THE TOWER BUILDING
1970 BROADWAY, NINTH FLOOR
OAKLAND, CA 94612
TEL: (510) 891-9800

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

Scott Edward Cole, Esq. (S.B. #160744)
Jeremy A. Graham, Esq. (S.B. #234166)
SCOTT COLE & ASSOCIATES, APC
1970 Broadway, Ninth Floor
Oakland, California 94612
Telephone: (510) 891-9800
Facsimile: (510) 891-7030
Email: scole@scalaw.com
Email: jgraham@scalaw.com
Web: www.scalaw.com

Attorneys for Representative Plaintiff
and the Plaintiff Class

Kenneth K. Lee (S.B. # 264296)
JENNER & BLOCK, LLP
633 West 5th Street, Suite 3600
Los Angeles, California 90071
Telephone: (213) 239-5152
Facsimile: (213) 239-5199
Email: klee@jenner.com
Email: hjb@jmbm.com

Attorneys for Defendant Hain Celestial Group, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANA BELEN HAM, individually, and
on behalf of all others similarly
situated,

Plaintiff,

vs.

THE HAIN CELESTIAL GROUP,
INC.

Defendant.

Case No. 3:14-cv-02044-WHO

CLASS ACTION

**STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE
PURSUANT TO F.R.C.P. 41(a)(1)(A)(II)**

SCOTT COLE & ASSOCIATES, APC
ATTORNEYS AT LAW
THE TOWER BUILDING
1970 BROADWAY, NINTH FLOOR
OAKLAND, CA 94612
TEL: (510) 891-9800

1 Ana B. Ham (“Plaintiff”), on the one hand, and Hain Celestial Group, Inc. (“Defendnat”),
2 on the other hand, by and through their respective undersigned counsel, hereby stipulate as
3 follows:

4 **WHEREAS**, on or about May 2, 2014, Plaintiff filed a Complaint for Damages,
5 Injunctive Relief, and Restitution (“Complaint”) against Defendant, captioned *Ham v. Hain*
6 *Celestial Group, Inc.*, Case No. 3:14-cv-02044-WHO, in the United States District Court,
7 Northern District of California, against Defendant on behalf of a national class of consumers
8 who have purchased food products made by Defendant (hereinafter referred to as the “class
9 members”);

10 **WHEREAS**, since the filing of the Complaint, the parties engaged in formal and
11 informal discovery and information exchanges regarding the potential merits of Plaintiff’s
12 individual and/or purported class and representative claims;

13 **WHEREAS**, the Court stayed the case in light of the pending Ninth Circuit appeals of
14 *Brazil v. Dole Food Company, Inc.*, *Jones v. Conagra Foods, Inc.*, and *Kosta v. Del Monte*
15 *Foods, Inc.*;

16 **WHEREAS**, because no class has been certified, judicial approval is not required for
17 voluntary dismissal (Fed. R. Civ. P. 23(e)),

18 IT IS HEREBY STIPULATED by and between the Parties to this action through their
19 undersigned counsel that Plaintiff’s complaint and all claims for relief alleged therein (including
20 for costs and attorneys’ fees) in Plaintiff’s individual capacity and not on behalf of any class she
21 is alleged to represent, shall be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1).
22 Plaintiff and Defendant shall each bear their own costs and fees. Pursuant to Rule 41(a)(1)(A),
23 this stipulated dismissal will be effective immediately upon filing without the need for a Court
24 order.

25
26
27
28

SCOTT COLE & ASSOCIATES, APC
ATTORNEYS AT LAW
THE TOWER BUILDING
1970 BROADWAY, NINTH FLOOR
OAKLAND, CA 94612
TEL: (510) 891-9800

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

Dated: November 29, 2016

SCOTT COLE & ASSOCIATES, APC

By: /s/ Scott Edward Cole
Scott Edward Cole, Esq.
Attorneys for the Representative Plaintiff
and the Plaintiff Class

Dated: November 29, 2016

JENNER & BLOCK, LLP

By: /s/ Kenneth K. Lee
Kenneth K. Lee, Esq.
Attorneys for Defendant
Hain Celestial Group, Inc.