

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CHRISTOPHER SILVA, individually on behalf of	:	
himself and all others similarly situated,	:	
	:	Case No. 14-CV6154-JG-RML
	:	
Plaintiff,	:	
v.	:	
	:	
SMUCKER NATURAL FOODS, INC.,	:	
J.M SMUCKER CO.	:	
	:	
Defendants.	:	
	:	
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JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Christopher Silva (“Plaintiff”), on the one hand, and Defendants Smucker Natural Foods, Inc. and The J.M. Smucker Company (each a “Defendant” and collectively, “Defendants”), on the other hand, by and through their undersigned counsel, hereby stipulate as follows:

1. All claims alleged by Plaintiff in his Class Action Complaint, both individually and on behalf of the purported class, should be dismissed as to all Defendants.
2. All matters at issue have been compromised and settled, and each party will bear its own costs and attorney’s fees.
3. The dismissal shall be with prejudice as to Plaintiff’s individual claims.
4. An Order of Dismissal With Prejudice in the form attached hereto as Exhibit A should be entered.

WHEREFORE, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff and Defendants respectfully request that the Court enter an order in the form attached hereto as Exhibit A.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

<p><u>/s/ Joseph Lipari</u> JOSEPH LIPARI (JL3194) The Sultzer Law Group, P.C. 77 Water Street, 8th Floor New York, New York 10005 Telephone: (845) 705-9460 Facsimile: (888) 749-7747 ATTORNEY FOR PLAINTIFF</p>	<p><u>/s/ Kevin D. Boyce</u> KEVIN D. BOYCE (<i>pro hac vice</i>) Jones Day 901 Lakeside Avenue Cleveland, Ohio 44114-1190 Telephone: (216) 586-3939 Facsimile: (216) 579-0212 ATTORNEY FOR DEFENDANTS</p>
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EXHIBIT A
TO
JOINT STIPULATION OF DISMISSAL

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SMUCKER NATURAL FOODS, INC.,	:	
J.M SMUCKER CO.	:	
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Defendants.	:	
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ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Christopher Silva (“Plaintiff”) and Defendants Smucker Natural Foods, Inc. and The J.M. Smucker Company (each a “Defendant” and collectively, “Defendants”) filed with this Court in the above-captioned action a Joint Stipulation of Dismissal With Prejudice. Upon due consideration of the Joint Stipulation of Dismissal, and having been duly advised, the Court NOW FINDS that the same should be granted.

THEREFORE, IT IS ORDERED, that

1. All claims alleged by Plaintiff in his Class Action Complaint, both individually and on behalf of the purported class, are dismissed as to all Defendants. The dismissal shall be with prejudice as to Plaintiff’s individual claims.
2. Plaintiff and Defendants each shall bear their own costs and attorney’s fees.

Dated: _____, 2016

The Honorable John Gleeson
United States District Court Judge