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12 **UNITED STATES DISTRICT COURT FOR THE**  
13 **DISTRICT OF ARIZONA**  
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CONSTANCE WERTHE, a Wisconsin  
Resident, on Behalf of Herself and All  
Others Similarly Situated,

Plaintiff,

-against-

GERBER PRODUCTS CO., a corporation,  
d/b/a  
NESTLÉ NUTRITION,  
NESTLÉ INFANT NUTRITION, and  
NESTLÉ NUTRITION NORTH  
AMERICA

Defendant.

Case No. 3:14-cv-08216-JJT

JOINT NOTICE OF DISMISSAL  
WITHOUT PREJUDICE

IT IS HEREBY STIPULATED BY AND BETWEEN plaintiff, Constance Werthe (“Plaintiff”), and defendant Gerber Products Co., a corporation, d/b/a Nestlé Nutrition, Nestlé Infant Nutrition, and Nestlé Nutrition North America (“Defendant”), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that the action is hereby dismissed without

1 prejudice with each party to bear their own attorneys' fees and costs.

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3 Dated: January 30, 2015

4 /s/ Patricia N. Syverson  
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/s/ William G.Klain  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of January, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing and sent a courtesy copy via First Class Mail to the following EM/ECF registrants:

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By: /s/Patricia N. Syverson