

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MARC McBREARTY, and PAUL  
CANTILINA, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

FIFTH GENERATION INC., d/b/a TITO'S  
HANDMADE VODKA, BERT BEVERIDGE  
II, MOCKINGBIRD DISTILLERY CORP, ABC  
CORPORATIONS 1-10, and JOHN DOES 1-10,

Defendants.

Civ. Action No.: 14-cv-07667-JMV-MF

**STIUPULATION OF VOLUNTARY DISMISSAL OF CLASS ACTION CLAIMS IN THIS  
FEDERAL COURT ACTION PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)**

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties and their  
respective counsel that all class action claims are dismissed in this Federal Court action with  
prejudice against all defendants pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) . Each party will bear  
its own costs.

/s/ Aaron Van Nostrand  
Aaron Van Nostrand  
Greenberg Traurig, LLP  
500 Campus Drive  
Florham Park, NJ 07932  
*Attorneys for Defendants*

/s/ Barry Gainey  
Barry Gainey  
Gainey McKenna & Egleston  
95 Route 17 South, Suite 310  
Paramus, New Jersey 07652  
*Attorneys for Plaintiffs*