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12 Attorneys for Defendant,
13 Fifth Generation, Inc., d.b.a.,
14 Tito's Handmade Vodka

15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF CALIFORNIA

18 MARC CABRERA, individually and
on behalf of all others similarly
19 situated,

20 Plaintiff,

21 v.

22 FIFTH GENERATION, INC., d.b.a.
23 TITO's HANDMADE VODKA,

24 Defendants.

CASE NO.: 3:14-cv-02990-JM-JLB
Related Case No: 14-CV-2569 JM (JLB)

**JOINT MOTION FOR DISMISSAL
WITH PREJUDICE**

25
26 AND RELATED CASE

Action filed: December 24, 2014
Trial date: October 31, 2016

1 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff,
2 Gary Hofmann (“Plaintiff”), and Defendant, Fifth Generation, Inc., (“Defendant”)
3 (collectively, the “Parties”), stipulate to dismiss this action with prejudice as to the named
4 Plaintiff’s claims, and without prejudice as to the putative class’ claims, against
5 Defendant in this matter. Each party will bear its own costs.

6
7 Dated: April 22, 2016

Respectfully submitted,

8 GREENBERG TRAURIG, LLP

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11 By: /s/ Ricky L. Shackelford
12 Attorneys for Defendant
13 Fifth Generation, Inc.

14
15 Dated: April 22, 2016

KAZEROUNI LAW GROUP, APC

16
17 By: /s/ Abbas Kazerounian
18 Attorneys for Plaintiff, Marc Cabrera

19
20 Dated: April 22, 2016

DEL MAR LAW GROUP, LLP

21
22 By: /s/ John H. Donboli
23 Attorneys for Plaintiff, Marc Cabrera

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27 LA 132527547v1

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19 on behalf of all others similarly
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21 Plaintiff,

22 v.

23 FIFTH GENERATION, INC., d.b.a.
TITO's HANDMADE VODKA,

24 Defendants.

25 AND RELATED CASE

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Related Case No: 14-CV-2569 JM (JLB)

**CERTIFICATE OF SERVICE RE
JOINT MOTION FOR DISMISSAL
WITH PREJUDICE**

Action filed: December 24, 2014
Trial date: Oct. 31, 2016

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Cabrera v. Fifth Generation, Inc., etc.
USDC Case No. 3:14-CV-02990-JM-JLB

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to the within action; my business address is **1840 Century Park East, Suite 1900, Los Angeles, CA 90067.**

On April 22, 2016, I served the **JOINT MOTION TO FOR DISMISSAL WITH PREJUDICE** on the interested parties in this action as follows:

<p>KAZEROUNI LAW GROUP, APC Abbas Kazerounian, Esq. (SBN: 249203) ak@kazlg.com Mona Amini, Esq. (SBN: 296829) mona@kazlg.com 245 Fischer Avenue, Unit D1 Costa Mesa, CA 92626 Telephone: (800) 400-6808 Facsimile: (800) 520-5523</p> <p><i>Co-Counsel for Plaintiff: Marc Cabrera</i></p>	<p>HYDE & SWIGART Joshua B. Swigart, Esq. (SBN: 225557) josh@westcoastlitigation.com 2221 Camino Del Rio South, Suite 101 San Diego, CA 92108 Telephone: (619) 233-7770 Facsimile: (619) 297-1022</p> <p><i>Co-Counsel for Plaintiff: Marc Cabrera</i></p>
<p>Michelle C. Doolin, Esq. Email: doolinmc@cooley.com Darcie A. Tilly, Esq. Email: dtilly@cooley.com COOLEY LLP 4401 Eastgate Mall San Diego, CA 92121 Tel: (858) 550-6000 Fax: (858) 550-6420</p> <p><i>Attorneys for Defendant: FIFTH GENERATION, INC.</i></p>	

BY CM/ECF NOTICE OF ELECTRONIC FILING: I filed the document(s) with the clerk of the court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

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(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 22, 2016, at Los Angeles, California.

/s/ Ricky L. Shackelford
Ricky L. Shackelford