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7 Attorneys for Plaintiff Jerry Jacobson  
and all others similarly situated  
8

9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 JERRY JACOBSON, individually,  
12 and on behalf of all others similarly  
situated,

13 Plaintiff,

14 v.

15 APPLE, INC., a California  
16 Corporation; and DOES 1 – 50  
17 inclusive.

18 Defendant.

**Case No.: 2:15-cv-01099**

**NOTICE OF DISMISSAL  
PURSUANT TO FEDERAL RULES  
OF CIVIL PROCEDURE, RULE  
41(a)(1)(A)(i)**

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20 **TO THE ABOVE-ENTITLED COURT, ALL PARTIES, AND THEIR**  
21 **ATTORNEYS OF RECORD:**

22 PLEASE TAKE NOTICE THAT Plaintiff Jerry Jacobson (“Plaintiff”),  
23 through his counsel of record, pursuant to Federal Rules of Civil Procedure, Rule  
24 41(a)(1)(A)(i), hereby dismisses, without prejudice, this action in its entirety.

25 WHEREAS, no party has filed an answer to Plaintiff’s complaint, or a  
26 motion for summary judgment pursuant to Federal Rules of Civil Procedure, Rule  
27 41(a)(1)(A)(i);  
28

1 WHEREAS, under Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(i),  
2 Plaintiff is entitled to dismiss this action by filing a notice of dismissal:

3 Without a Court Order. Subject to Rules 23(e), 23.1(c),  
4 23.2, and 66 and any applicable federal statute, the  
5 plaintiff may dismiss an action without a court order by  
6 filing: a notice of dismissal before the opposing party  
7 serves either an answer or a motion for summary  
8 judgment;

9 WHEREAS, Federal Rules of Civil Procedure, Rule 23(e), is inapplicable to  
10 the instant dismissal because no class action has been previously certified.

11 NOW, THEREFORE, Plaintiff dismisses this action without prejudice.

12 DATED: February 19, 2015 KABATECK BROWN KELLNER LLP

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15 By: /s/ Joshua H. Haffner  
16 Joshua H. Haffner  
17 Attorney for Plaintiff  
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