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10 Attorneys for Plaintiffs

11 (Additional counsel listed on signature pages)

12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
14

15 STACY LUCAS, an individual, TAREK  
16 ALBABA, an individual, DAVID GAMMA, an  
17 individual, SARAH FISHER, an individual, on  
behalf of themselves and all other similarly  
18 situated consumers,

19 Plaintiffs,

v.

20 BREG, INC., a California corporation; GARY  
21 LOSSE, an individual; MARK HOWARD, an  
individual; and DOES 1 through 50, inclusive,

22 Defendants.

Case No. 3:15-CV-00258-BAS-NLS

CivLR. 3.1 Designation:  
Other (Consumer Protection/Fraud)

Judge: Hon. Cynthia Bashant  
Magistrate: Nita L. Stormes

Action Filed: June 13, 2011

23 **JOINT MOTION TO DISMISS ACTION WITH PREJUDICE**

24 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs  
25 Stacey Lucas, Tarek Albaba, Sarah Fisher, and David Gamma, and Defendants  
26 Breg, Inc., Gary Losse, and Mark Howard, jointly move for and stipulate to an  
27 order of dismissal of this action with prejudice, with each party to bear his, her, or  
28 its own costs and attorneys' fees, concluding this matter in its entirety.

Respectfully submitted:

DATED: January 3, 2017

MORRIS, SULLIVAN & LEMKUL LLP

By: /s/ Chase M. Stern  
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Marc O. Stern  
Attorneys for Plaintiffs  
STACY LUCAS, TAREK ALBABA,  
DAVID GAMMA, and SARAH FISHER

DATED: January 3, 2017

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Attorneys for Defendants  
BREG, INC. and MARK HOWARD

DATED: January 3, 2017

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By: /s/ Christopher Brown  
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Marilyn R. Moriarty  
Attorneys for Defendant  
GARY LOSSE, M.D.

**SIGNATURE CERTIFICATION**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this joint motion of dismissal is acceptable to all parties and that I obtained authorization from counsel for all parties for their electronic signatures on this joint motion.

DATED: January 3, 2017

By: /s/ Chase M. Stern

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2017, I filed the foregoing document entitled **JOINT MOTION TO DISMISS ACTION WITH PREJUDICE** with the clerk of the court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ Chase M. Stern  
Chase M. Stern

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