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13 Attorneys for Defendant,
14 Fifth Generation, Inc.

15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF CALIFORNIA

18 GARY HOFMANN,
19
20 Plaintiff,

21 v.

22 FIFTH GENERATION, INC., a Texas
23 corporation; and DOES 1 through 100,
24 inclusive,

25 Defendants.

Case No: 14-CV-2569 JM (JLB)
Related Case No: 14-CV-2990-JM (JLB)

**JOINT MOTION FOR DISMISSAL
WITH PREJUDICE**

26 AND RELATED CASE

Action filed: Sept. 15, 2014
Removed: Oct. 28, 2014
Trial date: Dec. 19, 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
8 Dated: April 22, 2016

Respectfully submitted,

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10 GREENBERG TRAUIG, LLP

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

15 Dated: April 22, 2016

16 DEL MAR LAW GROUP, LLP

17 By: /s/ John H. Donboli
18 Attorneys for Plaintiff, Gary Hofmann

19 LA 132527211v1

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Related Case No: 14-CV-2990-JM (JLB)

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

23 AND RELATED CASE
24

Action filed: Sept. 30, 2014
Removed: October 28, 2014
Trial date: Dec. 19, 2016

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Hofmann v. Fifth Generation, Inc., etc.
USDC Case No. 3:14-CV-2569-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 MOTION FOR DISMISSAL WITH PREJUDICE** on the interested parties in this action as follows:

<p>JOHN H. DONBOLI (SBN: 205218) E-mail: jdonboli@delmarlawgroup.com JL SEAN SLATTERY (SBN: 210965) E-mail: sslattery@delmarlawgroup.com DEL MAR LAW GROUP, LLP 12250 El Camino Real, Suite 120 San Diego, CA 92130 Telephone: (858) 793-6244 Facsimile: (858) 793-6005</p> <p><i>Attorneys for Plaintiff: GARY HOFMANN, an individual and on behalf of all others similarly situated</i></p>	<p>Jonathan W. Cuneo, Esq. Email: jonc@cuneolaw.com Taylor Asen, Esq. Email: tasen@cuneolaw.com CUNEO GILBERT & LaDUCA, LLP 507 C Street, NE Washington, DC 20002 Tel: (202) 789-3960 Fax: (202) 789-1813</p> <p><i>Co-Counsel for Plaintiff: GARY HOFMANN, an individual and on behalf of all others similarly situated</i></p>
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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.

(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

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