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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**

9 TODD SMITH, individually and on ) Case No: 1:15-CV-00744-SWI-SAB  
10 behalf of all others similarly situated, )  
11 Plaintiff, ) **STIPULATION FOR DISMISSAL**  
12 v. ) **PURSUANT TO FEDERAL RULE OF**  
13 ALLMAX NUTRITON, INC., et al., ) **CIVIL PROCEDURE 41(a)(1)(A)(ii)**  
14 Defendants. )  
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23 TO THE COURT AND ALL PARTIES:

24 IT IS HEREBY STIPULATED, by Plaintiff, TODD SMITH, and the Defendants,  
25 ALLMAX NUTRITION, INC. and HBS INTERNATIONAL CORP., by and  
26 through their respective counsel, that this Court dismiss this Action in its entirety,  
27 with prejudice, pursuant to 41(a)(1)(A)(ii). Each party is to bear its own fees and  
28 costs.

1 Dated: May 3, 2016

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23 Attorneys for Plaintiff

24 Dated: May 3, 2016

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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of May 2016, a true and correct copy of the foregoing has been served electronically upon all registered CM/ECF users in this case.

/s/ Nick Suciu III  
Nick Suciu III, Attorney

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TODD SMITH, individually and on	)	Case No: 1:15-CV-00744-AWI-SAB
behalf of all others similarly situated,	)	
	)	<b>[PROPOSED] ORDER CONFIRMING</b>
Plaintiff,	)	<b>STIPULATION FOR DISMISSAL</b>
	)	<b>PURSUANT TO FEDERAL RULE OF</b>
v.	)	<b>CIVIL PROCEDURE 41(a)(1)(A)(ii)</b>
	)	
ALLMAX NUTRITION, INC. et al.,	)	
	)	
Defendants.	)	
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The Court, having considered the parties’ Stipulation for Dismissal Pursuant to Fed. R. Civ. P. 41(a), and good cause appearing therefore, hereby confirms that:

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedures, the above-captioned action is dismissed with prejudice in its entirety. The parties shall bear their own costs, expenses and attorneys’ fees.

IT IS SO ORDERED.

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3 Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Stanley A. Boone, District  
Judge, United States District Court

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