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19 **ATTORNEYS FOR PLAINTIFFS**

20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 **LINDA CHESLOW and MIKE XAVIER, on**
23 **behalf of themselves and all others similarly**
24 **situated,**

25 **Plaintiffs,**

26 **v.**

27 **MARS, INC. and MARS CHOCOLATE**
28 **NORTH AMERICA, LLC,**

Defendants.

CASE NO.: 3:15-cv-04454-CRB

**STIPULATION TO DISMISS
WITH PREJUDICE PURSUANT
TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

1 WHEREAS, on August 26, 2015, Plaintiffs Linda Cheslow and Mike Xavier (“Plaintiffs”)
2 filed a Class Action Complaint for Declaratory and Injunctive Relief against Mars, Inc. and Mars
3 Chocolate North America, LLC (“Mars”) in the Superior Court of California, San Francisco County
4 for violations of California’s Unfair Competition Law, False Advertising Law, and Consumer Legal
5 Remedies Act;

6 WHEREAS, on September 28, 2015, Mars removed Plaintiffs’ action to the United States
7 District Court for the Northern District of California;

8 WHEREAS, on October 5, 2015, Mars answered Plaintiffs’ Complaint asserting ten
9 affirmative defenses to Plaintiffs’ claims;

10 WHEREAS, the parties have resolved Plaintiffs’ claims;

11 WHEREAS, the parties agree to the herein Stipulation of Dismissal with Prejudice Pursuant
12 to Fed. R. Civ. P. 41(a)(1)(A)(ii) with each party bearing its own attorneys’ fees, costs and expenses;
13 and

14 WHEREAS, there has been no class certified in this action and this Stipulation only
15 dismisses Plaintiffs’ individual claims with prejudice, so Fed. R. Civ. P. 23(e) is not implicated by
16 dismissal of Plaintiffs’ action as no absent putative class members will be bound by this dismissal.

17 NOW THEREFORE, the parties respectfully request that all claims in Plaintiffs’ Complaint
18 be DISMISSED WITH PREJUDICE.

19 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

20 DATED: November 5, 2015

FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

21
22 By: s/ Joseph N. Kravec, Jr.
Joseph N. Kravec, Jr. (admitted *pro hac vice*)
23 Attorneys for Plaintiffs Linda Cheslow
and Mike Xavier

24
25 DATED: November 5, 2015

WILLIAMS & CONNOLLY LLP

26 By: s/ Stephen D. Raber via consent
Stephen D. Raber (#121958)
27 Attorneys for Mars, Incorporated and Mars
Chocolate North America, LLC
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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: November ____, 2015

Honorable Charles R. Breyer
United States District Judge

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PROOF OF SERVICE

STATE OF PENNSYLVANIA)
) ss.:
COUNTY OF ALLEGHENY)

I am employed in the County of Allegheny, Commonwealth of Pennsylvania. I am over the age of 18 and not a party to the within action. My business address is 429 Forbes Avenue, Allegheny Building, 17th Floor, Pittsburgh, PA 15219.

On November 5, 2015, using the Northern District of California’s Electronic Case Filing System, with the ECF ID registered to Joseph N. Kravec, Jr., I filed and served the document(s) described as:

**STIPULATION TO DISMISS WITH PREJUDICE
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

[X] BY ELECTRONIC TRANSMISSION USING THE COURT’S ECF SYSTEM: I caused the above document(s) to be transmitted by electronic mail to those ECF registered parties listed on the Notice of Electronic Filing (NEF) pursuant to Fed.R.Civ.P. 5(d)(1) and by first class mail to those non-ECF registered parties listed on the Notice of Electronic Filing (NEF). “A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P. 5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se.”

I declare that I am admitted *pro hac vice* in this action.

I declare, under penalty of perjury under the laws of the United States, that the above is true and correct.

Executed on November 5, 2015, at Pittsburgh, Pennsylvania.

s/Joseph N. Kravec, Jr.
Joseph N. Kravec, Jr