

1 John E. Norris
2 Davis & Norris, LLP
3 2154 Highland Ave. S.
4 Birmingham, AL 35205
5 205-930-9900
6 Fax: 205-930-9989
7 jnorris@davisnorris.com

8
9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**
13

14 SUSAN FITZPATRICK, on behalf)
15 of herself and all others)
16 similarly situated,) 2:15-CV-2285-TLN-KJN
17)
18 Plaintiff,)
19)
20 v.) Voluntary Dismissal
21)
22 Tyson Foods, Inc.,)
23)
24 Defendant.)

25
26 **PLAINTIFF’S VOLUNTARY DISMISSAL OF THE COMPLAINT**
27

28 Plaintiff Susan Fitzpatrick hereby voluntarily dismisses this complaint
29 without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.
30 Because the Defendants have served neither an answer nor a motion for summary
31 judgment, Plaintiff may dismiss this case without leave of the court. This dismissal
32 is without prejudice.

33 Respectfully submitted,

34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

/s/ John. E. Norris

John E. Norris
D. Frank Davis
Wesley W. Barnett
Dargan M. Ware
Kristan Rivers
Attorneys for Claimant

OF COUNSEL:

DAVIS & NORRIS LLP
The Bradshaw House
2154 Highland Avenue South
Birmingham, Alabama 35205
Telephone: 205.930.9900
Facsimile: 205.930.9989
fdavis@davisnorris.com
jnorris@davisnorris.com
wbarnett@davisnorris.com
krivers@davisnorris.com
dware@davisnorris.com

Benjamin P. Tryk
Tryk Law, P.C.
7050 N. Fresno St., Suite 210
Fresno, CA 93720

61
62

CERTIFICATE OF SERVICE

63 I hereby certify that I have served a copy of the above and foregoing document by
64 Electronic Filing, or, if the party does not participate in Notice of Electronic Filing, by U.S. First
65 Class Mail, hand delivery, fax or email on this the 2nd day of February, 2015:

66

67 Frank C. Rothrock
68 Naoki S. Kaneko
69 SHOOK, HARDY & BACON
70 5 Park Plaza, Ste. 1600
71 Irvine, CA 92614
72 949-475-1500
73 Fax: 949-475-0016
74 Email: frothrock@shb.com
75 nkaneko@shb.com