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19 **UNITED STATES DISTRICT COURT**
20 **SOUTHERN DISTRICT OF CALIFORNIA**

<p>21 Sammer Zakhour and Aurelio 22 Batista, individually and on behalf 23 of all other similarly situated,</p> <p>24 Plaintiffs,</p> <p>25 v.</p> <p>26 Glanbia Performance Nutrition, Inc. 27 d/b/a Optimum Nutrition, Inc.,</p> <p>28 Defendant.</p>	<p>Case No.: 15-CV-2513-AJB-WVG</p> <p>JOINT STIPULATION TO DISMISS THE CASE PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)</p> <p>Judge: Hon. Anthony J. Battaglia</p>
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1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiffs Sammer
2 Zakhour and Aurelio Batista (“Plaintiffs”) and defendant Glanbia Performance
3 Nutrition, Inc. d/b/a Optimum Nutrition, Inc. (“Defendant”) submit this joint
4 stipulation to dismiss Plaintiffs’ individual claims with prejudice, without
5 prejudice to any claims of absent putative class members. Therefore, the Court
6 may dismiss the action in its entirety, dismissing the Plaintiffs’ individual claims
7 WITH PREJUDICE, without prejudice to any claims of absent putative class
8 members. The parties are to bear their own fees and costs.

9 IT IS SO STIPULATED.

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13 Respectfully submitted,

KAZEROUNI LAW GROUP, APC

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15 Date: August 12, 2016

16 By: /s/ Andrei Armas
17 Abbas Kazerounian
18 Andrei Armas
19 *Attorneys for Plaintiffs*

20
21 **REED SMITH, LLP**

22 Date: August 12, 2016

23 By: /s/ Thomas A. Evans
24 Robert D. Phillips, Jr.
25 Thomas A. Evans
26 Kathy J. Huang
27 Rachel Naor
28 *Attorneys for Defendant*

1 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
2 and Procedures Manual, I hereby certify that the content of this document is
3 acceptable to defense counsel and that I have obtained defense counsel's
4 authorization to affix defense counsel's electronic signatures to this document.
5

6
7 Respectfully submitted,

8 **KAZEROUNI LAW GROUP, APC**

9 Date: August 12, 2016

By: /s/ Andrei Armas

Andrei Armas

Attorney for Plaintiffs

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Costa Mesa, California

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 1939 Harrison Street, Suite 912, Oakland, CA 94612. On August 12, 2016, I served the within document(s):

JOINT STIPULATION TO DISMISS THE CASE PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

- CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 12, 2016, in Oakland, California.

By: /s/ Andrei Armas
ANDREI ARMAS, ESQ.