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8 Attorneys for Plaintiffs
 and the Putative Classes
 9

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 OMARI BOBO, individually and on
 13 behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 WOODBOLT DISTRIBUTION, LLC,
 d/b/a Cellucor and Nutrabolt, a Delaware
 17 limited liability company,

18 Defendant.
 19

Case No: 16-cv-000328-BEN-DHB

**NOTICE OF VOLUNTARY
 DISMISSAL WITH PREJUDICE AS
 TO PLAINTIFF'S INDIVIDUAL
 CLAIMS AND WITHOUT
 PREJUDICE AS TO ANY CLAIMS
 OF ABSENT PUTATIVE CLASS
 MEMBERS**

Judge: Hon. Roger T. Benitez

1 **TO THE CLERK OF THE SOUTHERN DISTRICT OF CALIFORNIA**
2 **AND ALL COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Plaintiff Omari Bobo, pursuant to Federal Rule
4 of Civil Procedure 41(a)(1), hereby voluntarily dismisses the above-entitled action
5 against Defendant Woodbolt Distribution, LLC, d/b/a Cellucor and Nutrabolt, with
6 prejudice as to his individual claims, but without prejudicing any claims of absent
7 putative class members. Before Defendant served Plaintiff with its answer, or a
8 motion for summary judgment, the parties were able to reach an agreement resolving
9 all of the claims and causes of action asserted. FED. R. CIV. P. 41(a)(1)(A)(i)
10 (allowing plaintiff to dismiss an action without a court order by filing a notice of
11 dismissal).

12 A class has not been certified in this action; thus, this voluntary dismissal does
13 not implicate the requirements of Rule 23(e). FED. R. CIV. P. 23(e) (“The claims,
14 issues, or defenses of a certified class may be settled, voluntarily dismissed, or
15 compromised only with the court's approval.”); Committee Notes on Rule 23 – 2003
16 Amendment (“The new rule requires approval only if the claims, issues, or defenses of
17 a certified class are resolved by a settlement, voluntary dismissal, or compromise.”)
18

19 DATED: February 4, 2016

Respectfully submitted,

FINKELSTEIN & KRINSK LLP

21 By: /s/ Trenton R. Kashima
22 Trenton R. Kashima, Esq.

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9 Attorneys for Plaintiff
10 and the Putative Classes

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 OMARI BOBO, individually and on
14 behalf of all others similarly situated,,

15 Plaintiff,

16 v.

17 WOODBOLT DISTRIBUTION, LLC,
18 d/b/a Cellucor and Nutrabolt, a
19 Delaware limited liability company ,

20 Defendants.

Case No: 16-cv-0032-BEN DHB

PROOF OF SERVICE

21
22 I, the undersigned, declare that I am over the age of eighteen (18) years and not
23 a party to the within action. I am employed in the County of San Diego, State of
24 California. My business address is 550 W. C Street, Suite 1760, San Diego, California
25 92101.

26 I served the following document(s) on February 4, 2016:
27 Notice of Voluntary Dismissal with Prejudice as to Plaintiff's Individual Claims and
28 Without Prejudice as to Any Claims of Absent Putative Class Members

1 On the person(s) listed below:

2 Michael J. DiMaggio
3 General Counsel & Chief Legal Officer
4 Woodbolt Distribution/Nutrabolt
5 mdimaggio@nutrabolt.com
6 Tel.: (800) 870-2070

7 By the following means:

8 **VIA U.S. MAIL:** I enclosed the documents in a sealed envelope or package
9 addressed to the person(s) at the address(es) listed above. I placed the envelope
10 for collection and mailing, following our ordinary business practices. I am
11 readily familiar with this business's practice for collecting and processing
12 correspondence for mailing. On the same day that correspondence is place for
13 collection and mailing, it is deposited in the ordinary course of business with the
14 United States Postal Service, in a sealed envelope with postage fully prepaid.

12 — **VIA OVERNIGHT DELIVERY:** I enclosed the documents in an envelope or
13 package provided by an overnight delivery carrier and addressed to the
14 person(s) at the address listed above. I placed the envelope or package for
15 collection and overnight delivery to an office or a regularly utilized drop box of
16 the overnight delivery carrier.

15 — **VIA FACSIMILE TRANSMISSION:** Based on an agreement of the parties
16 to accept service by fax transmission, I faxed the documents to the person(s) at
17 the fax number(s) listed above. No error was reported by the fax machine that I
18 used. A copy of the record of the fax transmission, which I printed out, is
19 attached.

18 **XX VIA ELECTRONIC TRANSMISSION:** Based on a court order or
19 agreement of the parties to accept electronic service, I caused the documents to
20 be sent to the person(s) at the electronic service address(es) listed above.


20 **VIA NOTICE OF ELECTRONIC FILING (ECF):** Electronic Services via
21 the Court's CM/ECF system pursuant to CivLR 5.4(c).

21 — **VIA PERSONAL SERVICE:** I personally delivered the documents to the
22 person(s) at the address(es) listed above. (1) For a party represented by an
23 attorney, delivery was made to the attorney or at the attorney's office by leaving
24 the documents, in an envelope or package clearly labeled to identify the attorney
25 being served, with a receptionist or an individual in charge of the office,
26 between the hours of nine in the morning and five in the evening. (2) For a
27 party, delivery was made to the party or by leaving the documents at the
28 party's residence with some person not younger than 18 years of age between
the hours of eight in the morning and six in the evening.

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I declare under penalty of perjury under the laws of the United State of America, that the foregoing is true and correct and that I am employed in the office, at whose direction the within service was made.

Executed: February 4, 2016, at San Diego, California.


Rebecka A. Garcia