

HYDE & SWIGART
San Diego, California

1 Joshua B. Swigart, Esq. (SBN: 225557)

josh@westcoastlitigation.com

2 Jessica R. K. Dorman, Esq. (SBN: 279919)

jessica@westcoastlitigation.com

3 **HYDE & SWIGART**

4 2221 Camino Del Rio South, Suite 101

San Diego, CA 92108

5 Telephone: (619) 233-7770

6 Facsimile: (619) 297-1022

7 [Additional Attorneys Listed on Signature Page]

8 *Attorneys for Plaintiff,*

9 Cheryl Northrup

10 Richard J. Decker, Esq. (SBN: 119673)

rdecker@raineslaw.com

11 **RAINES FELDMAN**

12 9720 Wilshire Boulevard, Fifth Floor

13 Beverly Hills, CA 90212

14 Telephone: (310) 440-4100

15 Facsimile: (310) 691-1367

16 *Attorneys for Defendant,*

Bluebonnet Nutrition Corporation

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 **CHERYL NORTHRUP,**
21 **individually and on behalf of all**
22 **others similarly situated,**

23 **PLAINTIFF,**

24 **V.**

25 **BLUEBONNET NUTRITION**
26 **CORPORATION,**

27 **DEFENDANT.**

Case No: 3:16-cv-00080-JAH-NLS

JOINT MOTION FOR DISMISSAL
OF ACTION WITHOUT
PREJUDICE AS TO THE NAMED
PLAINTIFF AND WITHOUT
PREJUDICE AS TO THE PUTATIVE
CLASS

HON. JOHN A. HOUSTON

HYDE & SWIGART
San Diego, California

1 Plaintiff CHERYL NORTHRUP, (hereinafter “Plaintiff”) and Defendant
2 BLUEBONNET NUTRITION CORPORATION (hereinafter “Defendant”), (all jointly
3 hereinafter referred to as “the Parties”), hereby move to dismiss the above entitled
4 action without prejudice as to the named Plaintiff and without prejudice as to the
5 Putative Class pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

6 The notice and approval requirements of Federal Rule of Civil Procedure
7 23(e)¹ are inapplicable to the parties’ settlement and dismissal of this putative class
8 action because this action has not been certified as a class.

9 The Parties agree that this Court can proceed to dismiss this action entirely
10 without prejudice as to the named Plaintiff and without prejudice as to the Putative
11 Class.

12 Dated: March 28, 2016

HYDE & SWIGART

13 By: s/Joshua B. Swigart
14 Joshua B. Swigart
15 Attorneys for Plaintiff

16 Dated: March 28, 2016

RAINES FELDMAN

17 By: s/Richard J. Decker
18 Richard J. Decker
19 Attorneys for Defendant

20 [Additional Attorneys for the Plaintiff]

21 Abbas Kazerounian, Esq. (SBN: 249203)
22 ak@kazlg.com

23 **KAZEROUNI LAW GROUP, APC**
24 245 Fischer Avenue, Suite D1
25 Costa Mesa, CA 92626
26 Telephone: (800) 400-6808
27 Facsimile: (800) 520-5523

28 ¹ Federal Rule of Civil Procedure 23(e) states “[t]he claims, issues or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the Court’s approval.

Signature Certification

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Richard J. Decker counsel for Defendant, and that I have obtained Mr. Decker’s authorization to affix his electronic signature to this document.

Dated: March 28, 2016

HYDE & SWIGART

By: s/Joshua B. Swigart
Joshua B. Swigart
Attorneys for Plaintiff

HYDE & SWIGART
San Diego, California

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1 *Northrup v. Bluebonnet Nutrition Corporation*
2 *United States District Court, Southern District of California*
3 *Case No.: 3:16-cv-00080-JAH-NLS*

4 **CERTIFICATE OF SERVICE**

5 I, Eva Dickey, declare as follows:

6 I am over the age of eighteen years and not a party to the case. I am employed in the County of
7 San Diego, California where the filing occurs: My business address is 2221 Camino Del Rio
8 South, Suite 101, San Diego, CA 92108.

9 On the date below I electronically filed with the Court through its CM/ECF program and served
10 through the same program the following document(s):

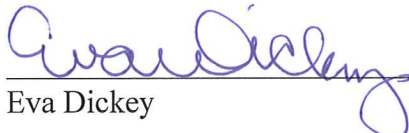
- 11 • **Joint Motion for Dismissal of Action Without Prejudice as to the Named Plaintiff and**
12 **Without Prejudice as to the Putative Class**

13 On the interested parties in said case addressed as follows:

14 Richard J. Decker
15 **Raines Feldman**
16 9720 Wilshire Boulevard, Fifth Floor
17 Beverly Hills, CA 90212

18 [X] ELECTRONICALLY, Pursuant to the CM/ECF System, registration as a CM/ECF
19 user constitutes consent to electronic service through the Court's transmission facilities.
20 The Court's CM/ECF system sends an email notification of the filing to the parties and
21 counsel of record listed above who are registered with the Court's CM/ECF system.

22 I declare under penalty under perjury under the laws of the State of California that the foregoing
23 is true and correct. Executed on March 29, 2016, at San Diego, California.

24 
25 _____
26 Eva Dickey