UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

LEANNE SPARLING and MICHAEL J. SPARLING, on behalf of and as representatives for MICHAEL L. SPARLING, deceased, Plaintiffs, EP-13-CV-00323-DCG v. JONATHAN VINCENT DOYLE, an individual; JACOB GEISSLER, an individual; USPLABS JACK3D, LLC; USPLABS, LLC; USPS HOLDING, LLC; **GNC CORPORATION: NATURAL** ALTERNATIVES INTERNATIONAL, INC.; and DOES 1-500, inclusive. Defendants.

ORDER ACCEPTING STIPULATION OF DISMISSAL

Presently before the Court is Plaintiffs Leanne Sparling and Michael J. Sparling, on behalf of and as representatives for Michael L. Sparling, deceased, and Defendants Jonathan Vincent Doyle, an individual, Jacob Geissler, an individual, USPLABS JACK3D, LLC, USPLABS, LLC, USPLABS HOLDING, LLC, and GNC Corporation's "Stipulation of Dismissal" (ECF No. 361), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Therein, parties stipulate to dismissing all claims, "forever and with prejudice, and without payment of consideration." Stipulation 1.

Federal Rule of Civil Procedure 41(a)(1)(A) states that "the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal . . . or a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A). The dismissal is without prejudice unless, as here, "the notice or stipulation states otherwise." Fed. R. Civ. P.

41(a)(1)(B). After due consideration and noting that counsel for all parties have signed the Stipulation of Dismissal, the Court concludes that the above—captioned and numbered causes of action should be dismissed with prejudice.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs Leanne Sparling and Michael J. Sparling, on behalf of and as representatives for Michael L. Sparling, deceased, and Defendants Jonathan Vincent Doyle, an individual, Jacob Geissler, an individual, USPLABS JACK3D, LLC, USPLABS, LLC, USPLABS HOLDING, LLC, and GNC Corporation's "Stipulation of Dismissal" (ECF No. 361) is **ACCEPTED**.

IT IS FURTHER ORDERED that Plaintiffs Leanne Sparling and Michael J. Sparling's claims, on behalf of and as representatives for Michael L. Sparling, deceased, against Defendants Jonathan Vincent Doyle, an individual, Jacob Geissler, an individual, USPLABS JACK3D, LLC, USPLABS, LLC, USPLABS HOLDING, LLC, and GNC Corporation are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of the Court shall TERMINATE

Defendants Jonathan Vincent Doyle, an individual, Jacob Geissler, an individual, USPLABS

JACK3D, LLC, USPLABS, LLC, USPLABS HOLDING, LLC, and GNC Corporation from the above–captioned and numbered cause of action.

IT IS FURTHER ORDERED that Plaintiffs Leanne Sparling and Michael J. Sparling, on behalf of and as representatives for Michael L. Sparling, deceased, and Defendants Jonathan Vincent Doyle, an individual, Jacob Geissler, an individual, USPLABS JACK3D, LLC, USPLABS HOLDING, LLC, and GNC Corporation shall bear their own costs and fees.

IT IS ALSO ORDERED that any and all pending motions are DENIED AS MOOT.

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IT IS FINALLY ORDERED THAT the Clerk of the Court SHALL CLOSE this case.

So ORDERED and SIGNED this 27th day of January, 2016

UNITED STATES DISTRICT JUDGE