

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LIANNA KABBASH and ANGELA
HOVIND, on behalf of themselves and all
others similarly situated,

Case No. A-16-CA-212-SS

Plaintiffs,

vs.

THE JEWELRY CHANNEL, INC. USA
d/b/a LIQUIDATION CHANNEL,

Defendant.

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Lianna Kabbash and Angela Hovind (“Plaintiffs”) and The Jewelry Channel, Inc. USA d/b/a Liquidation Channel (“LC”) (collectively “the Parties”), hereby stipulate as follows:

1. Plaintiff Angela Hovind voluntarily dismisses her claims in their entirety with prejudice, and each party shall bear her or its own attorney’s fees and costs. The names “Hovind” and “Plaintiff Hovind,” allegations pertaining thereto, and claims of Plaintiff Hovind only shall be stricken and no further discovery of her will be taken as part of this action.

2. Accordingly, the Parties stipulate that:

- a. Paragraph 6 is hereby stricken from the Complaint in its entirety;
- b. References to Hovind, Plaintiff Hovind, and an Oklahoma Class in paragraphs 8 and 41 of the Complaint, respectively, are hereby stricken;
- c. All references to Hovind and Plaintiff Hovind in the case caption and in all other paragraphs and Causes of Action in the Complaint are hereby stricken;

- d. All references to “Plaintiffs” shall be deemed to be references to “Plaintiff;” and
- e. The following Causes of Action are hereby dismissed from this action in their entirety and with prejudice: Ninth Cause of Action, Violation of 15 Okl. St. §§ 751, et seq. – Oklahoma Consumer Protection Act; Tenth Cause of Action, Negligent Misrepresentation; and Eleventh Cause of Action, Intentional Misrepresentation.

3. The foregoing notwithstanding, the Parties further stipulate that the dismissal of Plaintiff Hovind’s claims against LC with prejudice will be without prejudice to her ability to recover as a class member in this action; provided the Court certifies a class and Ms. Hovind satisfies all applicable class definitions and/or requirements.

IT IS SO STIPULATED.

DATED: July 28, 2016

/s/ Gregory F. Coleman

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2016, I electronically filed the foregoing with the clerk for the United States District Court for the Western District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to attorneys of record, who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael Zachary
Michael Zachary (*pro hac vice*)

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**PROPOSED ORDER GRANTING
STIPULATION OF DISMISSAL**

The Court, having considered the parties' Stipulation of Dismissal of Plaintiff Angela Hovind under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), hereby dismisses Plaintiff Angela Hovind from this case pursuant to the terms thereof.

SO ORDERED THIS _____ day of _____, 2016.

HONORABLE SAM SPARKS,
UNITED STATES DISTRICT JUDGE