

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

JOSEPH DEMMLER, individually and on  
behalf of all others similarly situated,

Plaintiff/Appellant,

v.

ACH FOOD COMPANIES, INC.,

Defendant/Appellee.

Case No. 15-13556-LTS

**PLAINTIFF/APPELLANT'S MOTION TO WITHDRAW NOTICE OF APPEAL  
PURSUANT TO FED. R. APP. P. 42(b)**

Plaintiff/Appellant, Joseph Demmler ("Appellant"), hereby moves this Court, pursuant to Fed. R. App. P. 42(b), for withdrawal of his Notice of Appeal. In support of this motion, Appellant states as follows:

- 1) Appellant's Notice of Appeal as to the June 9, 2016 Order on Motion to Dismiss (Dkt. No. 48) was filed on July 8, 2016.
- 2) The appeal was docketed in this Court on July 11, 2016.
- 3) Upon examination, Appellant has concluded that he no longer wishes to pursue this appeal.
- 4) The only fee associated with this Notice of Appeal was a \$505.00 filing fee, paid by Appellant. There are no court costs or court fees associated with this Notice of Appeal to be paid by Appellee. Appellant will bear all court costs and court fees associated with the withdrawal of this Notice of Appeal.
- 5) Accordingly, Appellant respectfully requests that his Notice of Appeal be withdrawn with prejudice.

Dated: July 21, 2016

Respectfully submitted,

PASTOR LAW OFFICES

/s/ David Pastor

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*Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I, David Pastor, hereby certify that *Plaintiff/Appellant Joseph Demmler's Motion to Withdraw Notice of Appeal*, filed through the ECF system on July 21, 2016, was served electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies were sent to those indicated as non-registered participants on that date.

/s/ David Pastor

David Pastor (9106)