

FILED
U.S. DISTRICT COURT E.D.N.Y.
CLERK'S OFFICE

★ AUG 11 2017 ★

Dff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

Ruth Guerra, individually on behalf of herself and
all others similarly situated and John Docs (1-100)
on behalf of themselves and all others similarly
situated,

Plaintiff,

v.

Hero Nutritionals, Inc.,

Defendant.

Index Number: 2:16-cv-04563-LDW-SIL

JOINT STIPULATION OF DISMISSAL
WITH PREJUDICE

Whereas, Plaintiff filed her complaint on August 16, 2016;

Whereas, Defendant answered the complaint on October 13, 2016;

Whereas, no class has been certified in this action;

Whereas, the parties have agreed to the dismissal with prejudice of Ms. Guerra's individual claims;

Whereas, Federal Rule of Civil Procedure 41(a)(1)(A)(ii) permits voluntary dismissal of an action without a court order by stipulation of the parties;

And WHEREAS, Federal Rule of Civil Procedure 23(e) permits dismissal of a class action on an individual basis where no class has been certified:

Plaintiff Ruth Guerra hereby dismisses her individual case with prejudice.

Dated: August 4, 2017

THE SULTZER LAW GROUP, P.C.

MONTGOMERY MCCrackEN
WALKER & RHOADS, LLP

By: _____

Jason P. Sultzer, Esq.
85 Civic Center Plaza, Suite 104
Poughkeepsie, NY 12601
Tel: (845) 483-7100
Fax: (888) 749-7747
sultzerj@thsultzerlawgroup.com

*Counsel for Plaintiff
Ruth Guerra*

By: _____

Stephanie K. Benecchi
Stephanie Benecchi, Esq.
123 South Broad Street
Avenue of the Arts
Philadelphia, PA 19109
sbenecchi@mmwr.com

*Counsel for Defendant
Hero Nutritionals, Inc.*

SO ORDERED
5/LEONARD D. WEXLER
U.S.D.J.
6

CENTRAL ISLIP, NY
8/11/17