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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

Michael Horton

CASE NUMBER

2:16-cv-06638-GW (Ex)

Plaintiff(s),

B&G Foods, Inc.

v.

Defendant(s).

**NOTICE OF DISMISSAL PURSUANT  
 TO FEDERAL RULES OF CIVIL  
 PROCEDURE 41(a) or (c)**

PLEASE TAKE NOTICE: (*Check one*)

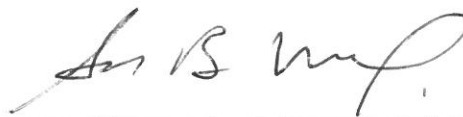
- This action is dismissed by the Plaintiff(s) in its entirety.
- The Counterclaim brought by Claimant(s) \_\_\_\_\_ is dismissed by Claimant(s) in its entirety.
- The Cross-Claim brought by Claimants(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- The Third-party Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- ONLY** Defendant(s) \_\_\_\_\_

\_\_\_\_\_ is/are dismissed from (*check one*)  Complaint,  Counterclaim,  Cross-claim,  Third-Party Claim brought by \_\_\_\_\_.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

10/28/16

Date



Signature of Attorney/Party

**NOTE: F.R.Civ.P. 41(a):** This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.

**F.R.Civ.P. 41(c):** Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY(S)  
Gerald B. Malanga, Esq.  
Lattie Malanga Libertino, LLP  
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PLAINTIFF(S),

2:16-cv-06638-GW (Ex)

v.

B&G Foods, Inc.

DEFENDANT(S).

**PROOF OF SERVICE - ACKNOWLEDGMENT  
OF SERVICE**

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, State of California, and not a party to the above-entitled cause. On October 28, 2016, I served a true copy of Notice of Voluntary Dismissal of the Case Pursuant to Federal Rules of Civil Procedure 41(a) or (c) by personally delivering it to the person (s) indicated below in the manner as provided in FRCivP 5(b); by depositing it in the United States Mail in a sealed envelope with the postage thereon fully prepaid to the following: (list names and addresses for person(s) served. Attach additional pages if necessary.)

Place of Mailing: 3731 Wilshire Boulevard, Los Angeles, CA

Executed on October 28, 2016 at Los Angeles, California

Please check one of these boxes if service is made by mail:

- I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.
- I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.
- I hereby certify under the penalty of perjury that the foregoing is true and correct.

Emmanuel Huitado  
Signature of Person Making Service

**ACKNOWLEDGEMENT OF SERVICE**

I, \_\_\_\_\_, received a true copy of the within document on \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Served