

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

<p>CYNTHIA E. SPANN, Individually and On Behalf of All Others Similarly Situated, <i>Plaintiff - Appellee,</i></p> <p>WALTER F. ELLINGWOOD, <i>Objector - Appellant,</i></p> <p>V.</p> <p>J.C. Penney Corporation, Inc., a Delaware Corporation, <i>Defendant - Appellee.</i></p>	<p>Docket No. 16-56474</p> <p>D.C. No. 8:12-00215-FMO U.S. District Court for Central California, Santa Ana</p> <p><b>UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL OF APPEAL</b></p>
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Pursuant to Federal Rule of Appellate Procedure 42(b),  
Appellants, Walter F. Ellingwood, Patrick Sweeney and Jeanelle

Branch, hereby move the Court or an order dismissing the above captioned appeal.

The parties have agreed that each side shall bear its own costs and fees on appeal.

Dated: November 4, 2016

/s/

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Steven F. Helfand  
Attorney for Appellants