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**16-55581**

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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ARLENE CABRAL,

*Plaintiff and Appellant,*

v.

SUPPLE, LLC,

*Defendant and Appellee.*

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**Appeal from Judgment in favor of Defendant Supple, LLC**

**Hon. Michael W. Fitzgerald**

**District Court for the Central District of California**

**Case No. 5:12-CV-00085 MWF (OPx)**

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**APPELLANT'S MOTION FOR VOLUNTARY DISMISSAL [FRAP 42];  
MEMORANDUM OF POINTS AND AUTHORITIES;  
DECLARATION OF GILLIAN L. WADE**

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## MEMORANDUM OF POINTS AND AUTHORITIES

Under Federal Rules of Appellate Procedure, Rule 42, subd. (b), “An appeal may be dismissed on the appellant’s motion on terms agreed to by the parties or fixed by the court.”

The parties to this action have reached a settlement. See attached Declaration of Gillian L. Wade, para. 2. Plaintiff and Appellant Arlene Cabral accordingly asks that the matter be dismissed pursuant to Rule 42(b).

Respectfully submitted,

DATED: December 21, 2016

MILSTEIN ADELMAN, LLP  
Gillian L. Wade  
Mayo L. Makarczyk

By:           /s Gillian L. Wade            
GILLIAN L. WADE  
Attorneys for *Plaintiff and Appellant*  
ARLENE CABRAL

**DECLARATION OF GILLIAN L. WADE**

I, Gillian L. Wade, declare as follows:

1. I am an attorney, licensed to practice before all the courts of the State of California and am admitted to practice before this Court. I am a partner at the firm of Milstein Adelman Jackson Fairchild & Wade, LLP, counsel of record for Plaintiff and Appellant Arlene Cabral. I have personal knowledge of the following facts, and I could and would competently testify to them under oath if I were called upon to do so.

2. This matter has settled. Plaintiff and Appellant accordingly requests voluntary dismissal of this action pursuant to Federal Rules of Appellate Procedure, Rule 42.

I declare that the foregoing facts are true and correct, under penalty of perjury under the laws of the United States of America. Executed this 21<sup>st</sup> day of December, 2016, in Los Angeles, California.

/s Gillian L. Wade  
Gillian L. Wade

9th Circuit Case Number(s)

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

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CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

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I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

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