

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CLAIRE HARLAM, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BLUE DIAMOND GROWERS, )  
 )  
 Defendant. )

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Case No. 15-CV-00877 (MKB) (RML)

**STIPULATION OF DISMISSAL**

Plaintiff's counsel has been prosecuting similar cases against Blue Diamond Growers regarding the labeling statements on its Almond Breeze products in the following jurisdictions: United States District Court for the Eastern District of New York (this litigation), United States District Court for the District of Massachusetts, Los Angeles County Superior Court, and the Circuit Court of Washington County, Arkansas. Plaintiff and Defendant, along with other plaintiffs, entered into a nationwide class settlement.

On March 29, 2017, the court in *Townsend v. Blue Diamond Growers*, No. CV-14-958-4 (Circuit Court of Washington County, Arkansas), one of the parallel actions, and the action through which approval of the settlement was sought, granted final approval of the nationwide class settlement (the "Settlement") and entered judgment ("Judgment").

The Judgment is now final, thereby triggering the Effective Date of the Settlement.

Pursuant to the Settlement and Judgment, this case is now due to be dismissed.

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff Claire Harlam and Defendant Blue Diamond Growers (collectively the "Parties") hereby stipulate to the dismissal of all claims in this action with prejudice. Except as provided in the Settlement and/or in the Judgment, the Parties are to bear their own costs and attorneys' fees.

The Parties waive all rights of appeal.

July 7, 2017

Respectfully submitted,

PLAINTIFF CLAIRE HARLAM

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2017, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service on the foregoing parties and participants.

/s/ Matthew T. Prewitt  
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