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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARY HENDERSON and EILEEN
JOY PEVIANI, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

GRUMA CORPORATION and
GRUMA S.A.B. de C.V.,

Defendants.

Case No. CV10 4173 AHM (AJWx)

**JOINT MOTION TO DISMISS ENTIRE
ACTION WITH PREJUDICE
[FED. R. CIV. P. 41(a)(1)(A)(ii)]**

Plaintiffs Mary Henderson and Eileen Joy Peviani and Defendant Gruma Corporation (collectively, "the Parties"), having reached a settlement agreeing to certain matters regarding Gruma Corporation's guacamole/guacamole-flavored dip label and spicy bean dip label and otherwise resolving the dispute between them, thereby obviating the need for any further proceedings, make this joint motion pursuant to Fed. R. Civ. P. 41(a) and respectfully request

that the Court enter an Order: (1) dismissing with prejudice Ms. Henderson's and Ms. Peviani's individual claims in their entirety; and (2) dismissing without prejudice all remaining claims as to the putative class. A proposed Order is being submitted separately.

THE WESTON FIRM

Dated: November 18, 2011.



Gregory S. Weston
Attorney for Plaintiffs
Mary Henderson and Eileen Joy Peviani

BARNES & THORNBURG

Dated: November 18, 2011.



R. D. Kirwan
Attorneys for Defendant
Gruma Corporation

THOMPSON & KNIGHT LLP

Dated: November 18, 2011.



Gregory S.C. Huffman
Attorneys for Defendant
Gruma Corporation

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**[PROPOSED] ORDER TO DISMISS
ENTIRE ACTION**

Having reviewed the Joint Motion to Dismiss the above-entitled action, and good cause appearing,

IT IS HEREBY ORDERED THAT:

- (1) Plaintiffs' individual claims are hereby dismissed with prejudice in their entirety; and
- (2) All remaining claims relating to the putative class are dismissed without prejudice.

Dated: _____, 2011.

**THE HON. A. HOWARD MATZ
U.S. DISTRICT COURT JUDGE**