

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

ANTHONY BUSO, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

PENGUIN TRADING, INC., a New York  
corporation doing business as FRUIT BLISS;  
and DOES 1 through 10, inclusive,

Defendant(s).

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PENGUIN TRADING, INC., a New York  
corporation,

Counterclaimant,

v.

ANTHONY BUSO, an individual,

Counterdefendant.

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Case No. 1:17-cv-07488-DLI-RLM

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**NOTICE OF AND STIPULATION FOR DISMISSAL WITH PREJUDICE PURSUANT  
TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

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Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and this stipulation signed by all parties who have appeared, the parties agree and stipulate that the above-captioned action, including the counterclaims filed on January 12, 2018 by Counterclaimant Penguin Trading, Inc. against Counterdefendant Anthony Buso, shall be dismissed with prejudice, with each party to bear their respective costs and fees.

Dated: January 22, 2018

Respectfully submitted,

**PACIFIC TRIAL ATTORNEYS, P.C.**

By: /s/ Scott J. Ferrell  
Scott J. Ferrell  
(admitted *pro hac vice*)  
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*Attorneys for Plaintiff and Counterdefendant  
Anthony Buso*

Dated: January 22, 2018

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*Attorneys for Defendant and Counterclaimant  
Penguin Trading, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2018, I electronically filed the foregoing Notice of and Stipulation for Dismissal with Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

By: /s/ Scott J. Ferrell  
Scott J. Ferrell  
(admitted *pro hac vice*)