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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Joe Weingarten, et al.,  
10 Plaintiffs,  
11 v.  
12 LifeLock Incorporated,  
13 Defendant.  
14

No. CV 18-01013-PHX-SRB  
**ORDER**

15 The Court having considered Plaintiff Darrell Hunter's Motion for Voluntary  
16 Dismissal Without Prejudice Under Fed. R. Civ. P. 41(a)(2), Defendant's Response and  
17 Plaintiff's Reply.

18 IT IS ORDERED granting Plaintiff Darrell Hunter's Motion for Voluntary  
19 Dismissal Without Prejudice Under Fed. R. Civ. P. 41(a)(2) except that the dismissal  
20 shall be with prejudice (Doc. 50). After review of the filings by the parties, the Court  
21 concludes that notification of Plaintiff Hunter's inability to prosecute this action was  
22 known to counsel in late August yet counsel waiting nearly a month to file his Motion.  
23 The Motion was filed only after obtaining disclosure from Defendant regarding Plaintiff  
24 Hunter's claims and without any significant disclosure by Plaintiff Hunter's counsel's  
25 concerning Plaintiff Hunter's claims.

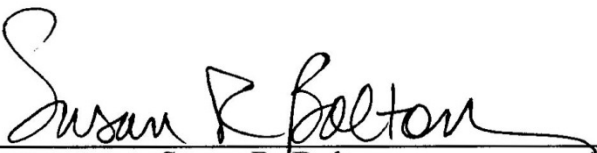
26 IT FURTHER ORDERED dismissing Plaintiff Darrell Hunter with prejudice.

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1 IT IS FURTHER ORDERED denying Defendant's Motion to File a Sur-Reply  
2 (Doc. 67).  
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4 Dated this 17th day of October, 2018.  
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9 Susan R. Bolton  
United States District Judge  
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