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10
11 Attorneys for Plaintiff and the Class

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15
16 FRANK MANUEL VILLASENOR, III,
on behalf of himself, all others similarly
17 situated and the general public,

18 Plaintiff,

19 vs.

20 WAL-MART STORES, INC.,

21 Defendant.

CASE NO.: 2:17-cv-06439

CLASS ACTION

STIPULATION OF DISMISSAL

22
23 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Frank
24 Manuel Villasenor, III (the "Plaintiff") and Defendant Wal-Mart Stores, Inc.

1 (“Defendant”) submit this Stipulated Voluntary Dismissal (“Stipulated Dismissal”).

2 The Parties stipulate as follows and request an order from the Court in the
3 form of the proposed order attached as **Exhibit A** dismissing this action without
4 prejudice:
5

6 1. This action is voluntarily dismissed without prejudice pursuant to
7 Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
8

9 2. Each party shall bear its own costs, expenses, and attorneys’ fees.

10 3. Plaintiff agrees not to refile his complaint, or a substantially similar
11 complaint, with the Court, for the earlier of 90 days from the date hereof or the date
12 the settlement in the state action, styled as *William Jackson, et al. v. Lang Pharma*
13 *Nutrition, Inc., et. al.* filed in the Superior Court of California for the County of San
14 Diego, Case No. 37-2017-00028196, fails for any reason.
15
16

17 DATED this 28th day of December 2017.

18
19 APPROVED BY:

20 /s/ Robert E. Mansfield
21 Robert E. Mansfield
22 Mitchell Barlow & Mansfield, P.C.

23 *Counsel for Plaintiff*
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/s/ David C. Allen
David C. Allen
Barnes & Thornburg LLP

Counsel for Defendant

David C. Allen concurs in the filing's content
and has authorized this filing.

Exhibit A

1 MITCHELL BARLOW & MANSFIELD, P.C.
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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 FRANK MANUEL VILLASENOR, III,
16 on behalf of himself, all others similarly
17 situated and the general public,

18 Plaintiff,

19 vs.

20 WAL-MART STORES, INC.,

21 Defendant.

CASE NO.: 2:17-cv-06439

CLASS ACTION

**[PROPOSED] ORDER OF
DISMISSAL**

22
23 Plaintiff Frank Manuel Villasenor, III (the “Plaintiff”) and Defendant Wal-
24 Mart Stores, Inc. (“Defendant”), pursuant to Federal Rule of Civil Procedure

1 41(a)(1)(A)(ii), stipulate to the dismissal of this action without prejudice. Plaintiff
2 agrees not to refile his complaint, or a substantially similar complaint, with the
3 Court, for the earlier of 90 days from the date hereof or the date the settlement in the
4 state action, styled as *William Jackson, et al. v. Lang Pharma Nutrition, Inc., et al.*
5 filed in the Superior Court of California for the County of San Diego, Case No. 37-
6 2017-00028196, fails for any reason. Each party shall bear its own costs, expenses,
7 and attorneys' fees.
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10 IT IS THEREFORE ORDERED that this action is hereby DISMISSED
11 WITHOUT PREJUDICE with each party to bear its own costs, expenses, and
12 attorneys' fees. Plaintiff shall not refile his complaint, or a substantially similar
13 complaint, with the Court for the earlier of 90 days from the date hereof or the date
14 the settlement in the state action, styled as *William Jackson, et al. v. Lang Pharma*
15 *Nutrition, Inc., et al.* filed in the Superior Court of California for the County of San
16 Diego, Case No. 37-2017-00028196, fails for any reason.
17
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19 DATED this ____ day of _____, 2017.
20
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23 _____
24 Hon. John F. Walter
25 United States District Court Judge
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