

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
12/18/19

THERESA ANDRUILLI, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

Danone NORTH AMERICA, LLC ,

Defendant.

Case No. 7:19-cv-05165

Hon. Vincent L. Briccetti

AND ORDER

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**JOINT STIPULATION REGARDING VOLUNTARY DISMISSAL OF
DEFENDANT DANONE NORTH AMERICA, LLC AND SUBSTITUTION
OF DANONE US, LLC**

WHEREAS, Plaintiffs Theresa Andriulli and Bradley Dejong (“Plaintiffs”) have asserted purported class action claims against Danone North America, LLC in a First Amended Complaint, ECF No. 21;

WHEREAS, neither Danone North America, LLC nor Danone US, LLC concede they have committed any wrongdoing or are in any way liable pursuant to the FAC;

WHEREAS, the parties are interested in identifying the appropriate party to be named as defendant without burdening the Court with discovery and motion practice;

It is hereby STIPULATED and AGREED by the parties and subject to approval of the Court, that:

1. Defendant Danone North America, LLC is hereby dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1);
2. The First Amended Complaint, as filed on November 18, 2019, ECF No. 21, in the above captioned matter is hereby amended to substitute Danone US, LLC as a defendant in place of Danone North America, LLC; and
3. The First Amended Complaint’s allegations concerning Danone North America, LLC shall be deemed to be directed to Danone US, LLC.

IT IS SO AGREED AND STIPULATED BY AND AMONG THE PARTIES:

Sheehan & Associates, P.C.

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*Attorneys for Danone North America, LLC
and Danone US, LLC*

The Clerk is instructed to terminate defendant Danone North America, LLC from the case and substitute in Danone US, LLC.

SO ORDERED.



Hon. Vincent L. Briccetti
United States District Judge

12/18/19
Date