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11 Attorneys for Plaintiff Jack Eisenberg  
and the Putative Class  
12

13 **UNITED STATES DISTRICT COURT**  
14 **SOUTHERN DISTRICT OF CALIFORNIA**  
15

16  
17 JACK EISENBERG, individually, and on behalf  
of all others similarly situated,

18 Plaintiff,

19 v.

20 BBVA USA, and DOES 1 through 5, inclusive,

21 Defendants.  
22

Case No. 3:20-cv-2368-L-AHG

Hon. M. James Lorenz

**PLAINTIFF’S NOTICE OF  
VOLUNTARY DISMISSAL  
PURSUANT TO FEDERAL  
RULES OF CIVIL PROCEDURE,  
RULE 41(a)**

23  
24  
25 NOTICE IS HEREBY GIVEN that pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff  
26 Jack Eisenberg voluntarily dismisses without prejudice the above-entitled action against Defendant  
27 BBVA USA. This notice of dismissal is being filed with the Court before service by Defendant of either  
28 an answer or a motion for summary judgement.

1 Dated: January 13, 2022

Respectfully Submitted,

2 /s/ Richard D. McCune

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18 Jack Eisenberg and the Putative Class

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**CERTIFICATE OF SERVICE**

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I hereby certify that I caused a copy of the foregoing document to be filed on January 13, 2022, with the Clerk of the Court for the United States District Court for the Southern District of California using the Court’s electronic filing system, which will send a notice of electronic filing to all attorneys appearing in this matter.

/s/ Richard D. McCune  
Richard D. McCune