

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JERRY HILL, individually and on behalf of
all others similarly situated,

Plaintiffs,

-vs.-

FLOSPORTS, INC.,

Defendant.

Case No. 1:22-cv-00854 (LJV)

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

WHEREAS, on or about November 8, 2022, Plaintiff Jerry Hill (“Plaintiff”) filed this action on behalf of himself and on behalf of all other similarly situated in the United States District Court for the Western District of New York, styled *Hill v. FloSports, Inc.* (1:22-cv-00854-LJV) (the “Action”), raising claims for, among other things, violation of the Electronic Funds Transfer Act, 15 U.S.C. 1693, et seq., (on behalf of Plaintiff and Nationwide EFTA Subclass), violations of New York General Business Law § 349 (on Behalf of Plaintiff and the New York Class Members), conversion, negligent misrepresentation, and unjust enrichment.

IT IS HEREBY STIPULATED AND AGREED, that Plaintiff hereby dismisses his Complaint and claims against Defendant FloSports, Inc. with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii); and,

IT IS FURTHER STIPULATED AND AGREED, that both parties, Plaintiff and Defendant FloSports, Inc., will bear their own attorneys’ fees and costs as they relate to this Action; and,

IT IS FURTHER STIPULATED AND AGREED, that this Dismissal with Prejudice may be executed in counterparts with electronic signatures considered as originals.

Dated: February 29, 2024

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