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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KACEY WILSON, individually and on behalf
of all other persons similarly situated,

Plaintiff,

v.

REVOLUTION BEAUTY INC.,

Defendant.

Case No. 3:23-cv-02190-VC

**REQUEST FOR VOLUNTARY
DISMISSAL WITH PREJUDICE**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Paragraph 53 of the Court's
2 Standing Order for Civil Cases, Plaintiff Kacey Wilson ("Plaintiff") hereby requests that the Court
3 dismiss the above-captioned action with prejudice. In support, Plaintiff states as follows:

4 Plaintiff has not yet moved for class certification, and no class has been certified. Defendant
5 Revolution Beauty Inc. ("Defendant" or "Revolution") has not yet appeared in this action. No
6 member of any putative class will be bound by the dismissal. Where, as here, Plaintiff does not seek
7 dismissal of the class members' claims with prejudice, "they are not impacting the rights of potential
8 class members." *Houston v. Cintas Corp.*, 2009 U.S. Dist. LEXIS 33704 (N.D. Cal. Apr. 3, 2009).

9 Moreover, further notice of the dismissal would not be warranted under *Diaz v. Trust*
10 *Territory of the Pacific Islands*, 876 F.2d 1401, 1408 (9th Cir. 1989). First, Plaintiff is not aware
11 of any putative class members who are relying on the pendency of this case, which has received no
12 mainstream publicity and only a rare mention in the legal press. Second, the pendency of this
13 putative class action tolled the applicable statute of limitations for individual members of the
14 putative class. *See Am. Pipe & Constr. Co. v. Utah*, 414 U.S. 538, 553-54 (1988). To the extent
15 that any individual member of some putative class has a viable claim, Plaintiff has no reason to
16 believe that they will lose such a claim as a result of this dismissal. Third, Plaintiff's counsel
17 represents that there has been no concession of putative class interests by the Plaintiff or his
18 counsel, much less in order to further their own interests.

19 For all of these reasons, and because notification to unidentified putative class members, if
20 possible, would be inordinately burdensome and costly, Plaintiff respectfully submits that further
21 notice of the dismissal is unwarranted. Plaintiff thus hereby requests that the Court dismiss the
22 entire Action with prejudice.

23 Dated: October 10, 2023

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25 By: /s/ Yeremey Krivoshey

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