

1 Trenton R. Kashima (SBN No. 291405)
2 **MILBERG COLEMAN BRYSON**
3 **PHILLIPS GROSSMAN PLLC**
4 402 West Broadway St., Suite 1760
5 San Diego, CA 92101
6 Tel: (619) 810-7047
7 tkashima@milberg.com

8 *Attorneys for Plaintiffs and the Class*

9 [Additional Counsel Listed on Signature Page]

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAKEMA TATE and RICHARD ORTIZ,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

WM. BOLTHOUSE FARMS, INC.

Defendant.

Case No.: 1:23-cv-01038-JLT-CDB

Hon. Jennifer L. Thurston

**NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE**

1 **TO THE CLERK OF THE EASTERN DISTRICT OF CALIFORNIA AND ALL COUNSEL**
2 **OF RECORD:**

3 **PLEASE TAKE NOTICE** Plaintiffs, pursuant to Federal Rule of Civil Procedure
4 41(a)(1)(A)(i), notices the dismissal of their Class Action Complaint against Defendant WM.
5 Bolthouse Farms, Inc., with prejudice as to Plaintiffs' individual claims and without prejudice the
6 putative class members' claims.

7 Dismissal is proper under Rule 41(a)(1)(A)(i), as Defendant has not served its answer or a
8 motion for summary judgment in this action.

9 A class has not been certified in this action; thus, this voluntary dismissal does not implicate
10 the requirements of Rule 23(e). Fed. R. Civ. P. 23(e) ("The claims, issues, or defenses of a certified
11 class may be settled, voluntarily dismissed, or compromised only with the court's approval.");
12 Committee Notes on Rule 23 – 2003 Amendment ("The new rule requires approval only if the
13 claims, issues, or defenses of a certified class are resolved by a settlement, voluntary dismissal, or
14 compromise.").

15 Therefore, pursuant to Rule 41(a)(1)(A)(i), Plaintiffs may notice dismissal of this case,
16 without leave of the Court.

17 Date: May 15, 2024

Respectfully submitted,

18 /s/ Trenton R. Kashima

19 Trenton R. Kashima (SBN 291405)
20 **MILBERG COLEMAN BRYSON**
21 **PHILLIPS GROSSMAN PLLC**
22 402 West Broadway St., Suite 1760
San Diego, CA 92101
Tel: (619) 810-7047
tkashima@milberg.com

23 Jason P. Sultzer, Esq.
24 Philip J. Furia, Esq.
Daniel Markowitz, Esq.
25 **THE SULTZER LAW GROUP P.C.**
85 Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601
26 Tel: (845) 483-7100
Fax: (888) 749-7747
27 sultzerj@thesultzerlawgroup.com
furiap@thesultzerlawgroup.com
28 markowitzd@thesultzerlawgroup.com

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Nick Suciu III (admitted pro hac vice)
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
6905 Telegraph Road, Suite 115
Bloomfield Hills, MI 48301
Tel: (313) 303-3472
nsuciu@milberg.com

Gary Klinger*
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
221 West Monroe Street, Suite 2100
Chicago, IL 60606
Tel: (866) 252-0878
gklinger@milberg.com

Erin Ruben*
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC**
900 W. Morgan Street
Raleigh, NC 27603
T: 919-600-5000
eruben@milberg.com

J. Hunter Bryson*
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
405 E 50 th Street
New York, NY 10022
Tel: (630) 796-0903
hbryson@milberg.com

** Pro Hac Vice application forthcoming
Attorneys for Plaintiffs and the Proposed
Class*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 15, 2024, the foregoing document was filed via the Court’s ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record.

/s/ Trenton R. Kashima
Trenton R. Kashima