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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:25-cv-04177-PAB-SBP

JOHN GAY, individually and on behalf of all others similarly situated,

Plaintiff,

v.

CROCS RETAIL, LLC, a Colorado limited liability company,

Defendant.

VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff John Gay ("Plaintiff"), acting through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby dismisses this action without prejudice, including all claims against all parties, with each party to bear its own attorneys' fees and costs. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). In addition, there has been no motion for class certification filed in this action, thus no class has been certified, and it is not necessary to provide notice to the absent putative class members. *See* Judge Virginia A. Phillips, et al., Federal Civil Procedure Before Trial, Calif. & 9th Cir. Editions § 10:790 (The Rutter Group 2021) ("There is no requirement of judicial approval for precertification dispositions. The reason is that absent class members generally have no notice of uncertified class actions and therefore cannot be bound or deemed to have relied thereon.") (citing Adv. Comm. Notes to 2003 Amendments to Fed. R. Civ. P. 23).

DATED: March 9, 2026

Respectfully submitted,

KJC LAW GROUP, A.P.C.

By: */s/ Kevin J. Cole*
Kevin J. Cole
Attorneys for Plaintiff and the Proposed Class