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18 **ATTORNEYS FOR PLAINTIFF**

19 **IN THE UNITED STATES DISTRICT COURT**

20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 **CHANEE THURSTON, on behalf of herself**
23 **and all others similarly situated,**

24 **Plaintiff,**

25 **v.**

26 **SAFEWAY INC.,**

27 **Defendant.**

CASE NO.: 3:11-cv-04286-SC

**STIPULATION TO DISMISS WITH
PREJUDICE PURSUANT TO FED. R.
CIV. P. 41(a)(1)(A)(ii)**

1 WHEREAS, on August 30, 2011, Plaintiff Chaneë Thurston (“Plaintiff”) filed a Class Action
2 Complaint for Damages, Equitable, Declaratory and Injunctive Relief against Safeway, Inc.
3 initiating this action asserting various claims against Defendant Safeway, Inc. (“Safeway”) including
4 common law fraud, violation of California’s Unfair Competition Law, false advertising, violation of
5 California’s Consumer Legal Remedies Act, and restitution based on quasi-contract/unjust
6 enrichment.

7 WHEREAS, on October 11, 2011, Safeway answered Plaintiff’s Complaint asserting thirty-
8 five affirmative defenses to Plaintiff’s claims.

9 WHEREAS, the parties have resolved Plaintiff’s claims.

10 WHEREAS, the parties agree to the herein stipulation of dismissal with prejudice pursuant to
11 Fed. R. Civ. P. 41(a)(1)(A)(ii) with each party bearing its own attorneys’ fees, costs and expenses.

12 WHEREAS, there has been no class certified in this action and this Stipulation only
13 dismisses Plaintiff’s individual claims with prejudice, so Fed. R. Civ. P. 23(e) is not implicated by
14 dismissal of Plaintiff’s action as no absent putative class members will be bound by this dismissal.

15 NOW THEREFORE, the parties respectfully request that all claims in Plaintiff’s Complaint
16 by DISMISSED WITH PREJUDICE.

17 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

18 DATED: March 21, 2013

By: s/Janet Lindner Spielberg

19 JANET LINDNER SPIELBERG
20 JOSEPH N. KRAVEC, JR.
21 MAUREEN DAVIDSON-WELLING
22 WYATT A. LISON
23 MICHAEL D. BRAUN
Attorneys for Plaintiff
CHANEë THURSTON

24 DATED: March 21, 2013

By: s/Monty Agarwal via email consent

25 TRENTON H. NORRIS
26 MONTY AGARWAL
27 RHONDA S. GOLDSTEIN
Attorneys for Defendant
SAFEWAY INC.

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.:
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12400 Wilshire Boulevard, Suite 400, Los Angeles, California.

On March 21, 2013, using the Northern District of California’s Electronic Case Filing System, with the ECF ID registered to Janet Lindner Spielberg, I filed and served the document(s) described as:

**STIPULATION TO DISMISS WITH PREJUDICE
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

[X] BY ELECTRONIC TRANSMISSION USING THE COURT’S ECF SYSTEM: I caused the above document(s) to be transmitted by electronic mail to those ECF registered parties listed on the Notice of Electronic Filing (NEF) pursuant to Fed.R.Civ.P. 5(d)(1) and by first class mail to those non-ECF registered parties listed on the Notice of Electronic Filing (NEF). *“A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P. 5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se.”*

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on March 21, 2013 at Los Angeles, California.

s/Janet Lindner Spielberg
Janet Lindner Spielberg