

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

DAVID RIVERA and VICTOR VACCARO, )  
On Behalf of Themselves and All Other )  
Persons Similarly Situated, )

Plaintiffs, )

vs. )

THE HOME DEPOT, INC. and AMERICAN )  
WOODMARK CORPORATION, )

Defendants. )

Case No. 1:13-cv-03379-WFK-RML

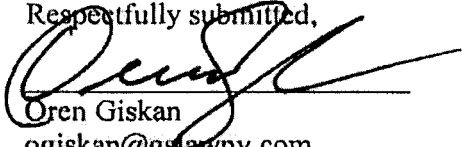
**STIPULATION OF DISMISSAL WITH PREJUDICE**

Plaintiffs David Rivera and Victor Vaccaro (collectively “Plaintiffs”) and Defendants The Home Depot, Inc. (“Home Depot”)<sup>1</sup> and American Woodmark Corporation (“American Woodmark”) (collectively “Defendants”), pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, stipulate to dismissal of this action with prejudice, inclusive of all claims and counterclaims, and with each party to bear their own attorneys’ fees and costs.

This 19 day of May, 2014.

<sup>1</sup> As explained in Home Depot’s Corporate Disclosure Statement, the Complaint and Amended Complaint improperly name The Home Depot, Inc. as the defendant. Defendant The Home Depot, Inc. is not a retailer and therefore engaged in no transactions with Plaintiffs. Rather, it is the parent company of Home Depot U.S.A., Inc., which is a home improvement retailer.

Respectfully submitted,



Oren Giskan

ogiskan@gslawny.com

Olympias Iliana Konidaris

ikonidaris@gslawny.com

Raymond Audain

raudain@gslawny.com

**GISKAN SOLOTAROFF ANDERSON & STEWART LLP**

11 Broadway

Suite 2150

New York, NY 10004

Tel: (212) 847-8315

Fax: (212) 473-8096

*Counsel for Plaintiffs*

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S. Stewart Haskins (*pro hac vice*)

Elizabeth D. Adler (*pro hac vice*)

KING & SPALDING LLP

1180 Peachtree Street, NE

Atlanta, Georgia 30309-3521

Tel: (404) 572-4600

Fax: (404) 572-5100

- and -

Christina M. Conroy

New York Bar No. 4784492

KING & SPALDING LLP

1185 Avenue of the Americas

New York, New York 10036-4003

Tel: (212) 556-2123

Fax: (212) 556-2222

*Counsel for Home Depot U.S.A., Inc.*

The application is  granted.  
SO ORDERED  denied  
s/WFK

~~William F. Kuntz, II, U.S.D.J.~~


Dated: June 6, 2014  
Brooklyn, New York

Respectfully submitted,

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Oren Giskan  
ogiskan@gslawny.com  
Olympias Iliana Konidaris  
ikonidaris@gslawny.com  
Raymond Audain  
raudain@gslawny.com  
**GISKAN SOLOTAROFF ANDERSON & STEWART LLP**  
11 Broadway  
Suite 2150  
New York, NY 10004  
Tel: (212) 847-8315  
Fax: (212) 473-8096

***Counsel for Plaintiffs***

  
S. Stewart Haskins (*pro hac vice*)  
Elizabeth D. Adler (*pro hac vice*)  
KING & SPALDING LLP  
1180 Peachtree Street, NE  
Atlanta, Georgia 30309-3521  
Tel: (404) 572-4600  
Fax: (404) 572-5100

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Christina M. Conroy  
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KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, New York 10036-4003  
Tel: (212) 556-2123  
Fax: (212) 556-2222

***Counsel for Home Depot U.S.A., Inc.***



Richard S. Oelsner

richard.oelsner@wilsonelser.com

Bonnie Joy Knel

bonnie.knel@wilsonelser.com

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER, LLP**

1133 Westchester Ave

West Harrison, NY 10604

Tel: (914) 872-7107

Fax: (914) 323-7001

*Counsel for Defendant American Woodmark Corp.*