

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

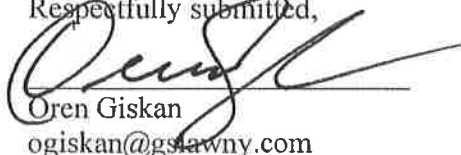
STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs David Rivera and Victor Vaccaro (collectively “Plaintiffs”) and Defendants The Home Depot, Inc. (“Home Depot”)¹ 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.

¹ 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,



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