

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-544985

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ORDER

WILLIAM NIXON ET AL VS. ANHEUSER-BUSCH COMPANIES, LLC

001C05785662

**Instructions:**

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25 **ANHEUSER-BUSCH COMPANIES, LLC**

26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
27 **FOR THE COUNTY OF SAN FRANCISCO**

28 WILLIAM NIXON AND MICHAEL  
O'NEILL, individually and on behalf of others  
similarly situated,

Plaintiffs,

v.

ANHEUSER-BUSCH COMPANIES, LLC,  
Defendant.

**F I L E D**

Superior Court of California  
County of San Francisco

MAR 17 2017

CLERK OF THE COURT

BY: *Alan K...*  
Deputy Clerk

) Case No.: CGC-15-544985

) STIPULATION AND ~~PROPOSED~~ ORDER  
) OF DISMISSAL

) Action Filed: March 27, 2015  
) Case Assigned for All Purposes to  
) Judge Mary E. Wiss

) Department: 305

1 Plaintiffs William Nixon and Michael O'Neill (collectively, "Plaintiffs") and Defendant  
2 Anheuser-Busch Companies, LLC ("A-B" or "Defendant") through their undersigned counsel of record  
3 stipulate as follows:

4 WHEREAS, on March 27, 2015, Plaintiffs filed the above-referenced putative class action (the  
5 "Action") against Defendant in the Superior Court of the State of California for the County of San  
6 Francisco alleging claims against Defendant on behalf of themselves individually and a putative class;

7 WHEREAS, Plaintiffs and Defendant have entered into a confidential settlement agreement that  
8 resolves all of Plaintiffs' individual claims asserted against Defendant;

9 WHEREAS, Plaintiffs' counsel has filed a declaration in support of this stipulation pursuant to  
10 the requirements contained in Rule 3.770 of the California Rules of Court;

11 WHEREAS, as explained in the accompanying Declaration of Patrick H. Peluso In Support of  
12 Rule 3.770 Stipulation and Proposed Order of Dismissal, the limited publicity and lack of consumer  
13 inquiries related to this litigation suggests that plaintiffs did not delay in filing a lawsuit based on their  
14 knowledge of and reliance on this litigation to pursue their claims;

15 WHEREAS, because the legal rights of all unidentified putative class members are preserved –  
16 i.e., none of their claims are dismissed with prejudice at all – no notice is required under California law.  
17 *See Pirjada v. Superior Court*, 201 Cal. App. 4<sup>th</sup> 1074, 1088, 134 Cal. Rptr. 3d 74, 84 (2011) (“[A]s  
18 Rule 3.770 provides, no notice to absent class members is required at all ‘if the court finds that the  
19 dismissal will not prejudice them.’”).

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the  
21 parties hereto, as follows:

22 1. The individual claims of Plaintiffs William Nixon and Michael O'Neill against  
23 Defendant A-B are hereby dismissed with prejudice and the class allegations are hereby dismissed  
24 without prejudice.

25 2. The claims of any putative class members are dismissed without prejudice and such  
26 persons are not prejudiced by the confidential settlement or dismissal of Plaintiffs' individual claims,  
27 and therefore, notice to the putative class is not required pursuant to Rule 3.770 of the California Rules  
28 of Court.

1 DATED: March 9, 2017

2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

3 By:                   /s/ Raoul D. Kennedy                    
4                            RAOUL D. KENNEDY  
5                            Attorneys for Defendant  
6                            ANHEUSER-BUSCH COMPANIES, LLC

7 DATED: March 9, 2017

8 O'CONNOR LAW & WOODROW & PELUSO, LLC

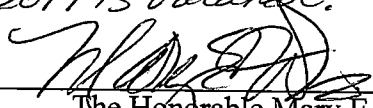
9 By:                   /s/ Patrick H. Peluso                    
10                           PATRICK H. PELUSO  
11                           Attorneys for Plaintiffs

12   **ORDER**

13                    The above-referenced action brought by Plaintiffs William Nixon and Michael O'Neill is  
14 hereby dismissed with prejudice as to Plaintiffs William Nixon and Michael O'Neill and without  
15 prejudice as to other persons within Plaintiffs' proposed class. Because the putative class members'  
16 claims are not released and such persons are not otherwise prejudiced by the confidential settlement or  
17 dismissal of Plaintiff Nixon's and Plaintiff O'Neill's claims, no notice needs be sent to the putative class  
18 pursuant to Rule 3.770 of the California Rules of Court.

19   *The CMC set for March 21, 2017 is vacated.*

20 Dated: March 17, 2017

21     
22   \_\_\_\_\_  
23   The Honorable Mary E. Wiss  
24   Judge of the Superior Court

Superior Court of California  
County of San Francisco

WILLIAM NIXON AND MICHAEL  
O'NEILL, et al.,

Plaintiffs,

v.

ANHEUSER-BUSCH COMPANIES, LLC,

Defendant(s).

Case Number: CGC-15-544985

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, T. Michael Yuen, Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On March 17, 2017, I electronically served the STIPULATION AND ORDER OF DISMISSAL via File&ServeXpress® on the recipients designated on the Transaction Receipt located on the File&ServeXpress® website.

Dated: March 17, 2017

T. Michael Yuen, Clerk

By:   
Sean Kane, Deputy Clerk