

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH A. D'AVERSA, on behalf of himself and
all others similarly situated,

Plaintiff,

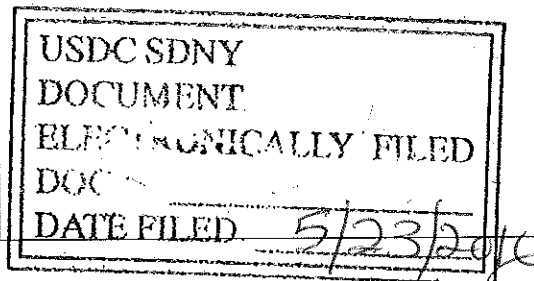
v.

J. CREW GROUP, INC.; J. CREW OPERATING
CORP.; J. CREW, INC.; J. CREW
INTERNATIONAL, INC.; CHINOS HOLDINGS,
INC.; CHINOS INTERMEDIATE HOLDINGS A,
INC.; and CHINOS INTERMEDIATE HOLDINGS
B, INC.,

Defendants.

Civil Action No. 1:16-cv-01590-DLC

Honorable Denise L. Cote



STIPULATION OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Whereas Plaintiff Joseph D'Aversa filed his Complaint in the Action on March 1, 2016 (D.E. # 1);

Whereas the Defendants herein, J. CREW GROUP, INC.; J. CREW OPERATING CORP.; J. CREW, INC.; J. CREW INTERNATIONAL, INC.; CHINOS HOLDINGS, INC.; CHINOS INTERMEDIATE HOLDINGS A, INC.; and CHINOS INTERMEDIATE HOLDINGS B, INC., filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(g) on April 29, 2016 (D.E. #36-39);

Whereas Plaintiff Joseph D'Aversa now wishes, in lieu of litigation, to obtain a refund for the sweaters he purchased from J. Crew Factory;

Whereas the Defendants herein deny any liability and deny that Plaintiff has sustained any damage in relation to the matters alleged in the Complaint, but as they wish to avoid further litigation, they are willing to extend the time period in which Mr. D'Aversa can make a product return in exchange for a refund;

IT IS NOW STIPULATED AND AGREED AS FOLLOWS:

- 1) This Action is hereby dismissed with prejudice;

- 2) Plaintiff shall, within one week, mail to defense counsel the sweaters he purchased from J. Crew Factory;
- 3) J. Crew Factory shall, within one week of receipt by defense counsel of the sweaters, remit to Plaintiff's counsel a check for \$103.50, plus reimbursement for postage incurred in this product return; and
- 4) All parties will bear their own costs, expenses and attorneys' fees incurred in relation to this matter.

DATED: May 20, 2016

Plaintiff's Counsel

s/Stephen P. DeNittis
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Defendants' Counsel

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So ordered.

*James G. Ke
5/23/16*