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10 *Attorneys for Plaintiff,*
11 Kevin Gioia, Aurelio Batista and
12 Lydia Polanco

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 **KEVIN GIOIA; and AURELIO**
16 **BATISTA, Individually And On**
17 **Behalf Of All Others Similarly**
18 **Situated,**

19 Plaintiffs,

20 v.

21 **GNC HOLDINGS, INC.,**

22 Defendant.

23 **LYDIA POLANCO, Individually**
24 **And On Behalf Of All Others**
25 **Similarly Situated,**

26 Plaintiffs,

27 v.

28 **GNC HOLDINGS, INC.,**

Defendant.

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Attorneys for Defendant,
GNC Holdings, Inc.

Case No.: 15-cv-2273-WQH-NLS

JOINT MOTION TO DISMISS THE
CASE PURSUANT TO FED. R.
CIV. P. 41(a)(1)(A)(ii)

Judge: Hon. William Q. Hayes
Magistrate: Hon. Nita L. Stormes

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1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) plaintiffs KEVIN
2 GIOIA, AURELIO BATISTA, AND LYDIA POLANCO ("Plaintiffs") and
3 defendant GNC HOLDINGS, INC., ("Defendant") (collectively referred to as the
4 "Parties") submit this joint motion to dismiss Plaintiffs' individual claims with
5 prejudice and the absent putative class members' claims without prejudice.
6 Therefore, the Court may dismiss the action in its entirety, dismissing the
7 Plaintiffs' individual claims WITH PREJUDICE and the absent putative class
8 members' claims WITHOUT PREJUDICE. The parties are to bear their own fees
9 and costs.

10 IT IS SO STIPULATED.

11 Dated: March 19, 2017

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Matthew M. Loker
ABBAS KAZEROUNIAN, ESQ.
MATTHEW M. LOKER, ESQ.
ATTORNEYS FOR PLAINTIFF

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Dated: March 19, 2017

Respectfully submitted,

WFBM, LLP

By: /s/ Katie A. Stricklin

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ATTORNEYS FOR DEFENDANT

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to defense counsel, and that I have obtained defense counsel’s authorization to affix defense counsel’s electronic signature to this document.

Dated: March 19, 2017

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Matthew M. Loker
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 1939 Harrison Street, Suite 912, Oakland, California 94612. On March 19, 2017, I served the within document(s):

JOINT MOTION TO DISMISS THE CASE PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

- CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 19, 2017, at Oakland, California.

/s/ Matthew M. Loker
MATTHEW M. LOKER, ESQ.