

1 MITCHELL BARLOW & MANSFIELD, P.C.
2 Robert E. Mansfield (*pro hac vice*)
3 rmansfield@mbmlawyers.com
4 Megan Garrett (*pro hac vice*)
5 mgarrett@mbmlawyers.com
6 9 E. Exchange Place, Suite 600
7 Salt Lake City, Utah 84111
8 Telephone: (801) 998-8888
9 Facsimile: (801) 998-8077

6 FORD & DIULIO PC
7 Brendan M. Ford (CA Bar No. 224333)
8 bford@forddiulio.com
9 Tyler E. Sanchez (CA Bar No. 299131)
10 tsanchez@forddiulio.com
11 650 Town Center Drive, Suite 760
12 Costa Mesa, California 92626
13 Telephone (714) 450-6830

11 Attorneys for Plaintiff and the Class

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

15 FRANK MANUEL VILLASENOR, III,
16 on behalf of himself, all others similarly
17 situated and the general public,

18 Plaintiff,

19 vs.

20 WAL-MART STORES, INC.,

21 Defendant.

CASE NO.:
2:17-cv-06439 JFW (GJSx)

CLASS ACTION

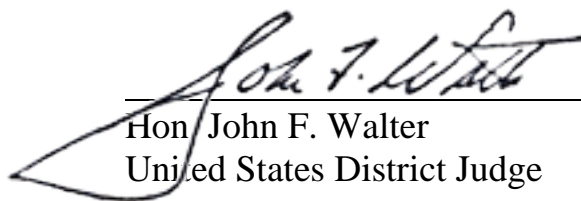
ORDER OF DISMISSAL

22
23 Plaintiff Frank Manuel Villasenor, III (the “Plaintiff”) and Defendant Wal-
24 Mart Stores, Inc. (“Defendant”), pursuant to Federal Rule of Civil Procedure

1 41(a)(1)(A)(ii), stipulate to the dismissal of this action without prejudice. Plaintiff
2 agrees not to refile his complaint, or a substantially similar complaint, with the
3 Court, for the earlier of 90 days from the date hereof or the date the settlement in the
4 state action, styled as *William Jackson, et al. v. Lang Pharma Nutrition, Inc., et al.*
5 filed in the Superior Court of California for the County of San Diego, Case No. 37-
6 2017-00028196, fails for any reason. Each party shall bear its own costs, expenses,
7
8 and attorneys' fees.
9

10 IT IS THEREFORE ORDERED that this action is hereby DISMISSED
11 WITHOUT PREJUDICE with each party to bear its own costs, expenses, and
12 attorneys' fees. Plaintiff shall not refile his complaint, or a substantially similar
13 complaint, with the Court for the earlier of 90 days from the date hereof or the date
14 the settlement in the state action, styled as *William Jackson, et al. v. Lang Pharma*
15 *Nutrition, Inc., et al.* filed in the Superior Court of California for the County of San
16 Diego, Case No. 37-2017-00028196, fails for any reason.
17
18

19 DATED this 29TH day of December, 2017.
20

21
22 
23 Hon John F. Walter
24 United States District Judge
25
26
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