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6 *Attorneys for Plaintiffs*
and the putative Class
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ANNA SALDIVAR, individually and on behalf
11 of all others similarly situated,

12 Plaintiff,

13 v.

14 THE COOKWARE COMPANY (USA) LLC,

15 Defendant.
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Case No.: 4:19-cv-06014-JST

**JOINT STIPULATION TO DISMISS WITH
PREJUDICE AS TO PLAINTIFF'S
INDIVIDUAL CLAIMS AND WITHOUT
PREJUDICE AS TO ANY CLAIMS OF
PUTATIVE CLASS MEMBERS**

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2 **TO THE CLERK OF THE COURT AND ALL COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Plaintiff ANNA SALDIVAR and Defendant THE
4 COOKWARE COMPANY (USA) LLC, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii)
5 and Civil Local Rule 7-12, by and through undersigned counsel, hereby jointly move the Court to
6 dismiss the above-entitled action against Defendant, with prejudice as to Plaintiff’s individual claims,
7 but without prejudicing any claims of absent putative class members.

8 **WHEREAS**, the parties have engaged in informal discovery regarding the size of the putative
9 class, the number of Defendant’s GreenPan Products distributed in California, retailers at which the
10 GreenPan Products were sold during the class period, and the labels of the GreenPan Products;

11 **WHEREAS**, Defendant has noticed their intention to move for summary judgment on the
12 grounds that Plaintiff lacks standing and fails to state a claim upon which relief may be granted;

13 **WHEREAS**, arm’s-length settlement negotiations have taken place between the parties’
14 counsel, and an individual settlement has been reached as a result of those negotiations;

15 **WHEREAS**, Defendant denies liability for the claims asserted and has asserted several
16 defenses to Plaintiff’s claims, but nevertheless has decided to enter into a settlement in order to avoid
17 further expense, inconvenience, and the distraction of burdensome and protracted litigation and to
18 obtain the releases, orders and judgment contemplated by the settlement, and to put to rest with finality
19 all claims that Plaintiff’s have or could have asserted against Defendant; and

20 **WHEREAS**, a class has not been certified in this action; thus, this voluntary dismissal does
21 not implicate the requirements of Rule 23(e). FED. R. CIV. P. 23(e) (“The claims, issues, or defenses
22 of a certified class may be settled, voluntarily dismissed, or compromised only with the court's
23 approval.”); Committee Notes on Rule 23 – 2003 Amendment (“The new rule requires approval only
24 if the claims, issues, or defenses of a certified class are resolved by a settlement, voluntary dismissal,
25 or compromise.”)

26 **NOW THEREFORE**, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local
27 Rule 7-12, the parties stipulate and jointly move the Court for entry of an order dismissing the above-
28 entitled action against Defendant with prejudice as to Plaintiff’s individual claims, but without

1 prejudice as to the claims of any putative class member, with both parties to bear their own fees and
2 costs of suit.

3 Dated: December 14, 2020

SOMMERS SCHWARTZ, P.C.

4 By: /s/ Trenton R. Kashima

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Attorneys for Defendant

The Cookware Company (USA) LLC

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SIGNATURE CERTIFICATION

I hereby certify that the content of this document is acceptable to Kathryn Lafferty Ignash, counsel for Defendant, and that I have obtained Ms. Ignash’s authorization to affix her electronic signature to this document.

Dated: December 14, 2020

SOMMERS SCHWARTZ, P.C.

By: /s/ Trenton R. Kashima

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