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19 Attorneys for Defendant  
 20 NEXT WAVE ENTERPRISES, LLC

21 UNITED STATES DISTRICT COURT  
 22 FOR THE EASTERN DISTRICT OF CALIFORNIA

23 JOHN MOGANNAM, individually )  
 24 and on behalf of all others similarly )  
 25 situated, )

26 Plaintiff, )

27 v. )

28 NEXT WAVE ENTERPRISES, )  
 29 LLC )

30 Defendant. )

Case No. 2:15-cv-00769-JAM-DB

**CLASS ACTION**

**STIPULATION FOR DISMISSAL  
 WITH PREJUDICE AND ORDER  
 THEREON**

**[Fed. R. Civ. Proc. 41]**

Action filed: April 9, 2015  
 Trial date: None set

31 Plaintiff John Mogannam (“Plaintiff”) and Defendant Next Wave  
 32 Enterprises, LLC, (“Next Wave”) (collectively the “Parties”), BEING ALL  
 33 PARTIES TO THIS ACTION, by and through their respective counsel, hereby  
 34 STIPULATE to the following:

LANDAU GOTTFRIED & BERGER LLP

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- 1. All Parties in the Action hereby stipulate to the dismissal of the Action in its entirety with prejudice. The dismissal of putative class members shall be deemed to be without prejudice.
- 2. Each of the Parties shall bear his or its own respective attorneys’ fees and costs, and no Party is a prevailing party.

THEREFORE, the Parties, through their respective counsel, request that the Court dismiss this Action in its entirety.

DATED: October 10, 2016

Respectfully submitted,

LAW OFFICES OF TODD M. FRIEDMAN,  
P.C.

By: /s/ Todd M. Friedman as authorized on 10/10/2016  
Todd M. Friedman  
Attorneys for Plaintiff  
JOHN MOGANNAM

DATED: October 10, 2016

LANDAU GOTTFRIED & BERGER LLP  
James H. Berry, Jr.  
Kate LaQuay

By: /s/ James H. Berry, Jr.  
James H. Berry, Jr.  
Attorneys for Defendant  
NEXT WAVE ENTERPRISES, LLC

Signature Certification

Pursuant to Local Rule 131(e), I hereby certify that the content of this document is acceptable to Todd M. Friedman, counsel for Plaintiff, and that I have obtained Mr. Friedman’s authorization to affix his electronic signature to this document.

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Dated: October 10, 2016

LANDAU GOTTFRIED & BERGER LLP  
James H. Berry, Jr.  
Kate LaQuay

By: /s/ James H. Berry, Jr.  
James H. Berry, Jr.  
Attorneys for Defendant  
NEXT WAVE ENTERPRISES, LLC

LANDAU GOTTFRIED & BERGER LLP

**ORDER**

The Court has reviewed the foregoing Stipulation and proposed Order. Based upon a review of the record, and good cause appearing, it is hereby ORDERED as follows:

1. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, this Action is hereby dismissed, with prejudice, in its entirety. The dismissal of putative class members shall be deemed to be without prejudice.
2. There is no prevailing party. All parties shall bear their own respective attorneys' fees and costs.

IT IS SO ORDERED.

Dated: October 11, 2016

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE  
JOHN A. MENDEZ

LANDAU GOTTFRIED & BERGER LLP

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