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13 *Attorneys for Plaintiff*

14 **UNITED STATES DISTRICT COURT**  
 15 **EASTERN DISTRICT OF CALIFORNIA**

16 DONALD JOHNSON, an individual,  
 17 Plaintiff,  
 18 v.  
 19 FLOWERS BAKING CO. OF  
 20 CALIFORNIA, LLC, a limited liability  
 21 company; and DOES 1 through 100,  
 22 inclusive,  
 23 Defendants.

CASE NO. 2:16-cv-00840-JAM-AC

**STIPULATION AND ORDER RE  
 DISMISSAL WITHOUT PREJUDICE**

FRCP Rule 41(a)(2)

1 Plaintiff Donald Johnson (“Plaintiff”) and Defendant Flowers Baking Co. of California,  
2 LLC (“Defendant”), by and through their undersigned counsel, hereby respectfully submit the  
3 following Stipulation and [Proposed] Order to allow for the dismissal of this action without  
4 prejudice.

5 **STIPULATION**

6 WHEREAS, the Court approved the parties’ stipulation to add Plaintiff as a party to the  
7 action entitled *Brownfield, et al. v. Flowers Baking Co. of California, LLC*, Case No. 2:15-cv-  
8 02034-JAM-AC (*Brownfield* Dkt. 46);

9 WHEREAS, the Court approved the dismissal of this action without prejudice once a  
10 Second Amended Complaint was filed in *Brownfield* that, among other things, added Plaintiff’s  
11 claims to the *Brownfield* action (*Brownfield* Dkt. 46); and

12 WHEREAS, the *Brownfield* Second Amended Complaint adding Plaintiff’s claims has  
13 been filed (*Brownfield* Dkt. 47).

14 NOW THEREFORE, the parties stipulate and agree that this action shall be dismissed  
15 without prejudice.

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17 **IT IS SO STIPULATED.**

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Dated: September 11, 2017

**KELLER GROVER LLP**

By /s/ Eric A. Grover

ERIC A. GROVER  
ROBERT SPENCER

Attorneys for Plaintiffs

Dated: September 11, 2017

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

By /s/ Brian D. Berry

BRIAN D. BERRY  
JARED L. PALMER

Attorneys for Defendant  
FLOWERS BAKING CO. OF CALIFORNIA,  
LLC

**SIGNATURE ATTESTATION**

I attest that I have obtained concurrence in the filing of this document from the other signatories.

Dated: September 11, 2017

**KELLER GROVER LLP**

By /s/ Eric A. Grover

ERIC A. GROVER  
ROBERT SPENCER

Attorneys for Plaintiffs

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**ORDER**

**IT IS SO ORDERED.**

Dated: September 11, 2017

/s/ John A. Mendez  
HONORABLE JOHN A. MENDEZ  
United States District Court Judge