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9 ATTORNEYS FOR Plaintiff GEORGE WESTBROOK

10  
11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**  
13 **SACRAMENTO DIVISION**

14 GEORGE WESTBROOK

15 Plaintiff

16 v.

17 BALL METAL BEVERAGE CORP., a Colorado  
18 corporation; and DOES 1 through 100, inclusive;

19 Defendants.

Case No. 2:16-CV-01569-WBS-CKD

*[Removed from Solano County Superior Court,  
Civil Case No. FCS047162]*

[Title]

20 **STIPULATION**

21 WHEREAS, the parties to this action have agreed and thereafter stipulated that Plaintiff's age  
22 was not a factor in Defendants' decisions regarding Plaintiff's request for an accommodation or nor was  
23 age a factor in Defendant's alleged treatment of Plaintiff during the course of his employment;

24 NOW, WHEREFORE, for the foregoing reasons and pursuant to Fed. R. Civ. P. 41(a)(1), the  
25 parties, by and through their counsel of record request the Court dismiss Plaintiff's claim for Age  
26 Discrimination with prejudice and without costs to any party.  
27  
28

1 DATED: January 2, 2018

THE CARTWRIGHT LAW FIRM, INC.

2  
3 By: /s/ Maurice J. Fitzgerald  
MAURICE FITZGERALD  
CATHERINE TRAN  
4 *Attorneys for Plaintiff GEORGE WESTBROOK*

5  
6 FISHER PHILLIPS, LLP


7  
8 /s/ Katherine Sandberg  
JASON GELLER  
ANNIE LAU  
9 KATHERINE SANDBERG  
10 *Attorneys for Defendant Ball Metal Beverage Corp.*

11  
12  
13  
14  
15 **ORDER**

16 Based upon the foregoing stipulation of the parties, it is hereby:

17 ORDERED that Plaintiff's claim for Age Discrimination in the above-captioned matter be  
18 dismissed with prejudice as to all parties without attorney's fees or costs to any party.

19 Dated: January 2, 2018

20   
21 WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

1  
2 **PROOF OF SERVICE**

3 I am, and was at all times herein mentioned, employed in the City and County of San Francisco,  
4 State of California. I am over the age of 18 years and not a party to the within entitled action. I am  
5 employed at the Cartwright Law Firm, 222 Front Street, Fifth Floor, San Francisco, California 94111.

6 On **January 2, 2018**, I served the attached [Title] on the interested parties in this action as  
7 follows:

8 *Attorneys for Defendant BALL METAL*  
9 *BEVERAGE CONTAINER CORP.*  
10 *Jason A. Geller*  
11 *Fisher & Phillips LLP*  
12 *One Embarcadero Center*  
13 *Suite 2050*  
14 *San Francisco, CA 94111*

- 15  **BY MAIL:** I placed true and correct copies of the above documents in a sealed envelope  
16 (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid in the  
17 United States mail in the City and County of San Francisco, California.  
18  **BY PERSONAL SERVICE:** I caused true and correct copies of the above documents to  
19 be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I  
20 caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).  
21  **BY FEDERAL EXPRESS:** I caused true and correct copies of the above documents to  
22 be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I  
23 used such envelope(s) to be delivered to Federal Express overnight courier service to the  
24 office(s) of the addressee(s).  
25  **BY FACSIMILE:** I caused a copy (or copies) of such document(s) to be sent via  
26 facsimile transmission to the office(s) of the address(s).

27 I am “readily familiar” with the firm’s practice of collecting and processing correspondence for  
28 mailing, that the correspondence would be deposited with the U.S. Postal Service on the same day in the  
ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if  
postal cancellation date or postage meter date is more than one day after date of deposit for mailing in  
the affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is  
true and correct and that this declaration was executed on **January 2, 2018**, at San Francisco,  
California.

/s/KathleenZsembik  
KATHLEEN ZSEMBIK