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20 JULIE CAMPANELLI, et al.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

23 JULIE CAMPANELLI, et al.,

24 Plaintiffs,

25 v.

26 THE HERSHEY COMPANY,

27 Defendant.

28

Case No. C 08-1862 BZ

**STIPULATION AND ~~PROPOSED~~
ORDER TO DISMISS PLAINTIFFS
PHYLLIS DAVIS, ELLIOTT
TUPEA, MARY OESTREICH,
MICHAEL CRABTREE, ROBERT
BEASLEY AND DONALD SIMS
WITH PREJUDICE**

STIP. AND [PROPOSED] ORDER TO
DISMISS PLAINTIFFS WITH PREJUDICE;
C 08-1862 BZ

1 WHEREAS, on January 8, 2010, Plaintiffs filed a Third Amended Class Action
2 Complaint against Defendant The Hershey Company ("Hershey") in the United States
3 District Court, Northern District of California, Case No. C 08-1862;

4
5 WHEREAS, Hershey answered the Third Amended Complaint on February 5,
6 2010;

7
8 WHEREAS, on September 7, 2010, United States Magistrate Judge Bernard
9 Zimmerman signed an Order Re: Notice, in which he instructed Plaintiffs to serve Notices
10 and Consents to Join these proceedings on the putative collective action members by
11 October 1, 2010;

12
13 WHEREAS, Opt-In Plaintiffs Elliott Tupea, Mary Oestreich, Michael Crabtree,
14 Robert Beasley and Donald Sims thereafter returned signed Consents to Join these
15 proceedings, which Plaintiffs filed on their behalfs;

16
17 WHEREAS, Named Plaintiff Phyllis Davis and Opt-In Plaintiffs Elliott Tupea,
18 Mary Oestreich, Michael Crabtree, Robert Beasley and Donald Sims now voluntarily seek
19 to dismiss themselves with prejudice from the case;

20
21 WHEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1), Hershey and
22 Plaintiffs hereby stipulate and agree that Phyllis Davis, Elliott Tupea, Mary Oestreich,
23 Michael Crabtree, Robert Beasley and Donald Sims be dismissed with prejudice from this
24 action, Case No. C 08-1862 BZ, with the Parties bearing their own attorney's fees and
25 costs.

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IT IS SO STIPULATED.

Dated: January 21, 2011.

O'MELVENY & MYERS LLP
FRAMROZE M. VIRJEE
CHRIS A. HOLLINGER

By: /s/ Framroze M. Virjee
Framroze M. Virjee

Attorneys for Defendant
THE HERSHEY COMPANY

Dated: January 21, 2011.

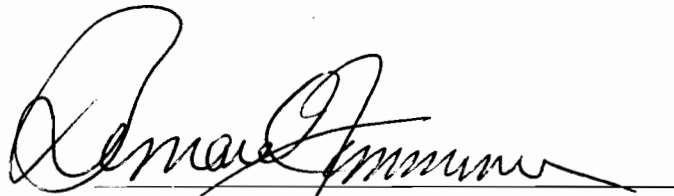
THE BRANDI LAW FIRM

By: /s/ Thomas J. Brandi
Thomas J. Brandi

Attorneys for Plaintiffs
JULIE CAMPANELLI, et al.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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3
4 Date: 2 Jan '11
5



6 Hon. Bernard Zimmerman
7 Magistrate Judge
8 United States District Court
9 Northern District of California
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