

1 Patrick N. Keegan, Esq. (SBN 167698)
 pkeegan@keeganbaker.com
 2 James M. Treglio, Esq. (SBN 228077)
 jtreglio@keeganbaker.com
 3 KEEGAN & BAKER, LLP
 6156 Innovation Way
 4 Carlsbad, CA 92009
 Tel: (760) 929-9303
 5 Fax: (760) 929-9260

6 Attorney for Plaintiff JAMES CUNHA

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT CALIFORNIA

9
 10 JAMES CUNHA, an individual, on behalf of
 himself and all others similarly situated,

11 Plaintiff,

12 v.

13 INTELlicHECK, LLC, a California Limited
 Liability Company; PROPACIFIC FRESH, INC.,
 14 a California Corporation, and DOES 1-100,

15 Defendants.

Case No. 1:17-cv-00597-JST

**STIPULATION TO DISMISS
 DEFENDANT INTELlicHECK, LLC
 FROM THE LAWSUIT**

*[Filed concurrently with (1) Declaration of
 Patrick N. Keegan; and (2) [Proposed]
 Order]*

Judge: Hon. Jon S. Tigar

Complaint Filed: December 20, 2016
 Second Amended Complaint Filed: June 30,
 2017
 Trial Date: None Set

1 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff James Cunha (“Cunha”) and Defendant
2 IntelliCheck, LLC (“IntelliCheck”), by and through their counsel, hereby stipulate as follows:

3 1. On June 30, 2017, Plaintiff filed his Second Amended Complaint (ECF No. 75) alleging
4 claims against IntelliCheck in his First, Second and Fifth Claims for Relief.

5 2. Plaintiff’s individual claims alleged against IntelliCheck in his Second Amended
6 Complaint (ECF No. 75) are dismissed in their entirety and with prejudice.

7 3. The claims alleged on behalf of a putative class against IntelliCheck in the Second
8 Amended Complaint (ECF No. 75) are dismissed without prejudice.

9 4. Each party shall bear its own attorneys’ fees and costs.

10 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

11 Date: September 20, 2017

KEEGAN & BAKER LLP

12 */s/ Patrick N. Keegan*

13 _____
Patrick N. Keegan
James M. Treglio
Attorney for Plaintiff
JAMES CUNHA

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15 Date: September 20, 2017

SEYFARTH SHAW LLP

16 */s/ John W. Drury*

17 _____
Pamela Q. Devata
John W. Drury
Selyn Hong
Attorney for Defendant
INTELLICHECK, LLC

1 **[PROPOSED] ORDER**

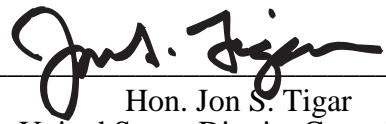
2 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

3 1. Plaintiff's individual claims alleged against IntelliCheck in his Second Amended
4 Complaint (ECF No. 75) are dismissed in their entirety with prejudice.

5 2. The claims alleged on behalf of a putative class against IntelliCheck in the Second
6 Amended Complaint (ECF No. 75) in the First, Second and Fifth Claims for Relief are dismissed
7 without prejudice.

8 3. Each party shall bear its own attorneys' fees and costs.

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10 DATED: September 20, 2017



11 Hon. Jon S. Tigar
12 United States District Court Judge
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