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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RYAN RESTUA; individually and on behalf of members of the general public similarly situated,

Plaintiff,

vs.

RESTORATION HARDWARE, INC., and DOES 1 through 10, inclusive,

Defendants.

) Case No.: CV-11-04719-YGR

) **CLASS ACTION**

) **ORDER DISMISSING ENTIRE ACTION WITHOUT PREJUDICE**

THIS MATTER is before the Court on Plaintiff Ryan Restua's ("Plaintiff") Request for Dismissal Without Prejudice and the Declaration of Alexander R. Wheeler in Support Thereof, and for good cause shown,

IT IS HEREBY ORDERED THAT:

1. Plaintiff's Collective Action Complaint Under FLSA, Case Number CV-11-04719-YGR, is hereby dismissed without prejudice.

2. The dismissal of this case will have no collateral estoppel or *res judicata* effect on any similar claims brought by any other persons, including claims identical or substantially similar to Plaintiff's claims in this case.

IT IS SO ORDERED

DATED: January 20, 2012


Yvonne Gonzalez Rogers
UNITED STATES DISTRICT JUDGE