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8
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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 KRISTIN HALEY, et al.

Case No.: 4:15-cv-06033-HSG

13 Plaintiffs,

(Consolidated with:
 4:16-cv-01252-HSG,
 4:16-cv-02850-HSG, and
 4:16-cv-03341-HSG)

14 vs.

15 MACY'S, INC., et al.

16 Defendants.

JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
DISMISSAL OF PLAINTIFF TODD
BENSON AS A NAMED PLAINTIFF

17 This document relates to Case No.
 18 3:16-cv-01252-HSG

19
 20 WHEREAS, Plaintiff Todd Benson filed his original complaint against Macy's, Inc.,
 21 Macy's West Stores, Inc., and Bloomingdales, Inc. on March 14, 2016 in the case entitled,
 22 *Benson v. Macy's Inc., et al.*, Case No. 3:16-cv-01252. Docket No. 1.

23 WHEREAS, Plaintiff Todd Benson is named as one of the class representatives in the
 24 Amended Consolidated Class Action Complaint for Violations of California's Unfair
 25 Competition Law, California's False Advertising Law, and California's Consumers Legal
 26 Remedies Act, on July 28, 2017 in the case entitled, *Haley v. Macy's Inc., et al.*, Case No. 4:15-
 27 cv-06033-HSG. Docket No. 57.

1 WHEREAS, Defendant Macy's, Inc. filed its Motions to Dismiss Plaintiffs' Amended
2 Consolidated Complaint For Lack of Standing and For Failure to State a Claim on September 1,
3 2017. Docket Nos. 61 and 63.

4 WHEREAS, on December 7, 2017, the Court heard oral argument on Defendant's
5 motions to dismiss; and on December 21, 2017, the Court issued its Order Granting In Part and
6 Denying In Part Motion to Dismiss. Docket No. 91.

7 WHEREAS, Plaintiffs have agreed to dismiss Todd Benson as a named plaintiff without
8 prejudicing his right to participate in a class recovery, and each party bearing their own fees and
9 costs.

10 WHEREAS, THE PARTIES HEREBY STIPULATE AND AGREE as follows:

11 (1) That, pursuant to Federal Rule of Civil Procedure 41(b), the Court enter an order
12 dismissing Plaintiff Todd Benson ("Benson") as a named plaintiff. The dismissal is without
13 prejudice as to Benson's ability to participate in any proposed class action as a class member
14 and/or to participate as a class member in this litigation and in any recovery obtained for the
15 class in this litigation, and each party bearing their own fees and costs.

16 (2) That, the Court enter an order instructing the Court of the Clerk to close the case
17 entitled *Benson v. Macy's Inc., et al.*, Case No. 3:16-cv-01252.

18
19 DATED: April 6, 2018

FINKELSTEIN THOMPSON LLP

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8 DATED: April 6, 2018

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18 DATED: April 6, 2018

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27 *Macy's West Stores, Inc.*

~~PROPOSED~~ ORDER

Pursuant to the Parties' stipulation, and pursuant to Federal Rule of Civil Procedure 41(b), the Court orders the dismissal of Plaintiff Todd Benson ("Benson") as a named plaintiff. The dismissal is without prejudice as to Benson's ability to participate in any proposed class action as a class member and/or to participate as a class member in this litigation and in any recovery obtained for the class in this litigation, and each party bearing their own fees and costs.

The Clerk of the Court is instructed to close the case entitled *Benson v. Macy's Inc., et al.*, Case No. 4:16-cv-01252.

IT IS SO ORDERED.

Date: 4/9/2018


HONORABLE HAYWOOD S. GILLIAM, JR.