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14 Attorneys for Plaintiff  
 15 ELLEN COFFMAN

16 UNITED STATES DISTRICT COURT  
 17  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19  
 20 OAKLAND DIVISION

20 ELLEN COFFMAN, on behalf of herself, all  
 21 others similarly situated, and the general  
 22 public,  
 23  
 Plaintiff,  
 24  
 v.  
 25 HOME DEPOT U.S.A., INC., a Delaware  
 corporation, and DOES 1 through 100,  
 26 inclusive,  
 27  
 Defendants.

Case No. 4:16-cv-03302-PJH  
 Honorable Phyllis J. Hamilton  
**STIPULATION AND ~~PROPOSED~~  
 ORDER OF VOLUNTARY DISMISSAL**  
**FED. R. CIV. P. 41(a)(1)**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff ELLEN COFFMAN  
2 (“Plaintiff”) and Defendant HOME DEPOT U.S.A., INC. (“Defendant”), by and through the  
3 undersigned counsel of record, hereby stipulate that the above-entitled action shall be dismissed  
4 with prejudice as to all claims brought individually by Plaintiff and without prejudice as to all  
5 putative class claims, as follows:

6 WHEREAS this action was filed in the Superior Court of California, County of Sonoma  
7 on May 13, 2016 (*see* Dkt. No. 1-1), and removed to this Court on June 15, 2016 (Dkt. No. 1);

8 WHEREAS Defendant filed a motion to dismiss on July 6, 2016 (Dkt. No. 10), and the  
9 Court granted Defendant’s motion to dismiss in part on June 29, 2016 (Dkt. No. 21);

10 WHEREAS Plaintiff filed a first amended complaint on October 5, 2016 (Dkt. No. 22),  
11 and Defendant’s response to the first amended complaint is not yet due (Dkt. No. 29);

12 WHEREAS Defendant has neither answered nor moved for summary judgment and no  
13 class certification motion has been filed;

14 WHEREAS this action was filed as a class action but has not been certified as such;

15 WHEREAS Plaintiff and her counsel have decided to voluntarily dismiss the individual  
16 claims of Plaintiff with prejudice;

17 WHEREAS dismissal of Plaintiff’s claims will not prejudice absent putative class  
18 members and will not affect their rights because no class has been certified;

19 WHEREAS, no notice need be sent to absent putative class members, because a class has  
20 not been certified, the case is in its infancy, the case has not been widely publicized, and no  
21 absent putative class member will be bound by the voluntary dismissal of Plaintiff’s claims.

22 NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED that the above-  
23 entitled action shall be dismissed with prejudice as to all claims brought individually by Plaintiff  
24 and without prejudice as to putative class claims.

25 ///

26 ///

27 ///

28 ///

1 DATED: December 1, 2016

KING & SPALDING LLP

2 By: /s/ Edmund T. Wang

3 EDMUND T. WANG

4 Attorneys for Defendant  
HOME DEPOT U.S.A., INC.

5 DATED: December 1, 2016

ILG LEGAL OFFICE

6 By: /s/ Stephen Noel Ilg

7 STEPHEN NOEL ILG

8 Attorneys for Plaintiff  
ELLEN COFFMAN

9  
10 I, the undersigned, attest that concurrence in the filing of the document has been obtained  
11 from each of the other Signatories, which shall serve in lieu of their signatures on the document.

12 DATED: December 1, 2016

By: /s/ Edmund T. Wang

13  
14 **[PROPOSED] ORDER**

15 The stipulation of the Parties is approved. The entire action is hereby dismissed with  
16 prejudice, with all parties to bear their own attorneys' fees and costs.

17 IT IS SO ORDERED.

18  
19 DATED: December 5, 2016

20 HONORABLE PHYLLIS J. HAMILTON  
21 United States District Judge



1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, certify that on this date, I electronically filed the foregoing document,  
3 **STIPULATION AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL**, with the  
4 Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to  
5 the following attorney of record and to all the parties appearing on the docket sheet:

6 Stephen Noel Ilg  
7 HOFFMAN EMPLOYMENT LAWYERS  
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13 Attorneys for Plaintiff

14 DATED: December 1, 2016

15 By: /s/ Edmund T. Wang  
16 EDMUND T. WANG

17 Attorney for Defendant  
18 HOME DEPOT U.S.A., INC.