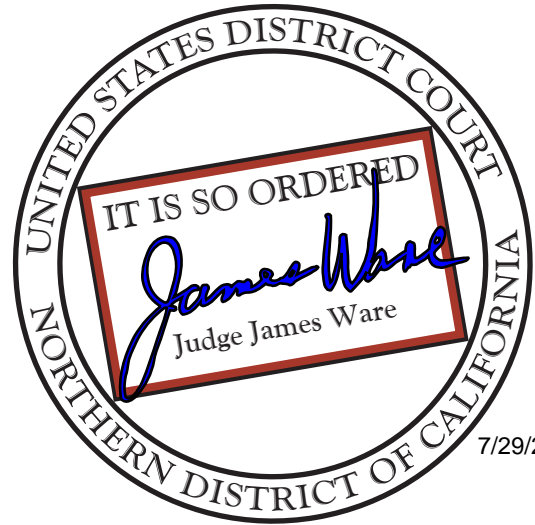


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7/29/2009

8 Attorneys for Plaintiff  
 9 DEBORAH DI GRAZIA

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT  
 12 SAN JOSE DIVISION

14 DEBORAH DI GRAZIA, a widow,  
 15 Plaintiff,

16 vs.

17 SAZERAC COMPANY, INC., a Louisiana  
 18 corporation; BROWN-FORMAN, INC., a  
 19 Kentucky corporation; and TEQUILA  
 20 HERRADURA, S.A., a Mexican  
 21 corporation.

22 Defendants.

No. 5:08-CV-01562 JW

**NOTICE OF VOLUNTARY  
 DISMISSAL WITHOUT PREJUDICE  
 OF DEFENDANT TEQUILA  
 HERRADURA, S.A.**

23 NOTICE is hereby given that pursuant to Federal Rule of Civil Procedure  
 24 41(a)(1)(A)(i) Plaintiff Deborah di Grazia (“Plaintiff”) voluntarily dismisses Defendant Tequila  
 25 Herradura, S.A. (“Defendant Herradura”) from the above-captioned action without prejudice.  
 26 Defendant Herradura has provided affidavits to Plaintiff (attached hereto as Exhibits 1 and 2)  
 27 indicating that it had sold to Defendant Brown-Forman, Inc. substantially all of its assets related  
 28 to the production, sale, and distribution of the Herradura Brands prior to the events giving rise to

1 Plaintiff's claims. Plaintiff and Defendant Herradura have agreed to toll all applicable statutes of  
2 limitations related to any claims Plaintiff may have against Defendant Herradura related to the  
3 above-captioned action (Tolling Agreement attached hereto as Exhibit 3).

4  
5 Dated: May 15, 2009

Manatt, Phelps & Phillips, LLP

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By: /s/ Travis M. Ritchie

8

Stephen S. Mayne

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Andrew A. Bassak

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Travis M. Ritchie

Attorneys for Plaintiff

DEBORAH DI GRAZIA

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*Pursuant to General Order 45 X.B. the filer hereby attests that concurrence in the filing of this document has been obtained from each signatory, which shall serve in lieu of his or her signature on the document.*

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