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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
11 **SAN FRANCISCO DIVISION**

12 RYAN UNG, CHI CHENG, and ALICE ROSEN,
13 on Behalf of Themselves and All Others Similarly
Situated,

14 Plaintiffs,

15 v.

16 FACEBOOK, INC.,

17 Defendant.
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Case No. CV-11-02829-JSW
Hon. Jeffrey S. White

**PLAINTIFFS' NOTICE OF
DISMISSAL WITHOUT PREJUDICE**

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1 **TO THE COURT AND ALL PARTIES OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiffs Ryan Ung, Chi Cheng, and Alice Rosen
3 (collectively, "Plaintiffs"), hereby dismiss the above-captioned action (the "Action") against
4 Defendant Facebook, Inc. ("Defendant"), pursuant to Federal Rule of Civil Procedure 41(a)(1),
5 without prejudice. Plaintiffs represent that Defendant has not made or promised any payment,
6 direct or indirect, to Plaintiffs or their counsel in return for dismissal of the Action.

7 Court approval of this dismissal is not required under Federal Rules of Civil Procedure 23
8 and 41 as there has not been a determination of whether this Action can proceed as a class action.
9 *See generally* Fed. R. Civ. P. 23(e) (court approval required only for dismissal of claims "of a
10 certified class"); *Mahan v. Trex Co.*, No. 5:09-cv-00670, 2010 U.S. Dist. LEXIS 130160, at *8
11 (N.D. Cal. Nov. 22, 2010) (same).

12 DATED: December 14, 2011

MILBERG LLP

/s/ Peter E. Seidman

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