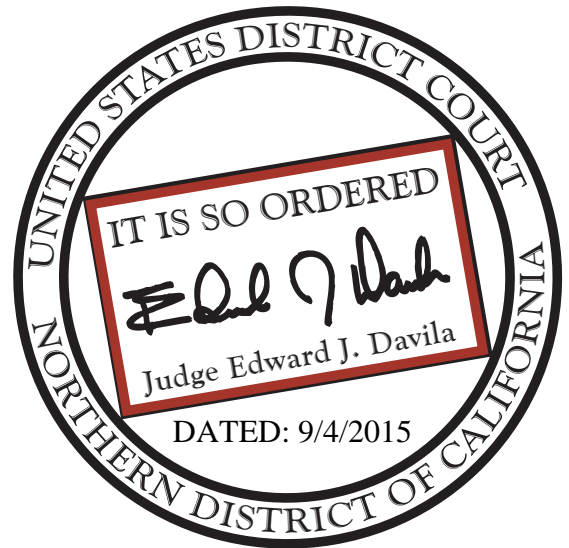


1 Todd A. Seaver (SBN 271067)
 2 BERMAN DEVALERIO
 3 One California Street, Suite 900
 4 San Francisco, CA 94111
 5 Telephone: (415) 433-3200
 6 Facsimile: (415) 433-6282
 7 Email: tseaver@bermandevalerio.com

8 *Counsel for Plaintiffs and the Proposed Class*

9 [Additional Counsel on Signature Page]



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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

JAMES LEBINSKI, on behalf of himself
 and all others similarly situated,

Plaintiff,

v.

INTUIT, INC.,

Defendant.

Case No. 5:15-cv-02209-EJD

CLASS ACTION

**NOTICE OF VOLUNTARY DISMISSAL
 WITHOUT PREJUDICE**

Courtroom 4, 5th Floor
 Hon. Judge Edward J. Davila

Plaintiff James Libinski filed his class action complaint on May 15, 2015. He now intends to pursue his claims as a plaintiff or proposed class member in the consolidated action *In re Intuit Data Litigation*, No. 15-cv-01778-EJD, as ordered by the Court on August 24, 2015 (Dkt. 29).

Accordingly, Plaintiff voluntarily dismisses this action without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (“[T]he plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment . . .”).

Plaintiff has conferred with Defendant, and the parties agree that Federal Rule of Civil Procedure 41(d) does not apply under the circumstances of this dismissal.

The Clerk shall close this file. All pending deadlines and hearings are terminated.

1 Dated: September 2, 2015

Respectfully submitted,

2 BERMAN DEVALERIO

3
4 By: /s/ Todd A. Seaver
5 Todd A. Seaver

6 One California Street, Suite 900
7 San Francisco, CA 94111
8 T: (415) 433-3200
9 F: (415) 433-6382
10 Email: tseaver@bermandevalerio.com

11 Daniel E. Gustafson
12 Daniel C. Hedlund
13 Eric S. Taubel
14 GUSTAFSON GLUEK PLLC
15 Canadian Pacific Plaza
16 120 South Sixth Street, Suite 2600
17 Minneapolis, MN 55402
18 T: (612) 333-8844
19 F: (612) 339-6622
20 Email: dgustafson@gustafsongluek.com
21 dhedlund@gustafsongluek.com
22 etaubel@gustafsongluek.com

23 Mark S. Goldman
24 Paul J. Scarlato
25 Brian D. Penny
26 GOLDMAN SCARLATO & PENNY, P.C.
27 101 E. Lancaster Avenue
28 Suite 204
Wayne, PA 19087
P: (484) 342 0700
F: (484) 580 8747
Email: goldman@lawgsp.com
scarlato@lawgsp.com
penny@lawgsp.com

Counsel for Plaintiffs and the Proposed Class