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16 **MACY'S WEST STORES, INC.**  
17 *[ADDITIONAL COUNSEL LISTED ON NEXT PAGE]*

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO COURTHOUSE

20 MIQUISHA STRAUGHTER, individually  
21 and on behalf of all other similarly situated  
22 current and former non-exempt employees  
of Defendants in California,

23 Plaintiff,  
24 v.

25 MACY'S WEST STORES, INC., and  
DOES 1 through 100, Inclusive,  
26 Defendants.

CASE NO.: 17-CV-01143 NC

**JOINT STIPULATION OF DISMISSAL OF  
THIS ACTION WITHOUT PREJUDICE,  
AND ORDER**

Ctrm: 7  
Judge: Hon. Nathanael Cousins

1 David R. Markham (SBN 071814)

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2 Maggie Realin (SBN 263639)

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13 **Attorneys for Plaintiff**

14 **MIQUISHA STRAUGHTER**

15 David E. Martin (*Appearing Pro Hac Vice*)

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16 **MACY'S, INC. LAW DEPARTMENT**

17 11477 Olde Cabin Road, Suite 400

St. Louis, Missouri 63141

18 Telephone: (314) 342-6719

19 Facsimile: (314) 342-6438

20 **Attorneys for Defendant**

21 **MACY'S WEST STORES, INC.**

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1 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties to the  
2 above-titled action submit this JOINT STIPULATION OF DISMISSAL OF THIS ACTION  
3 WITHOUT PREJUDICE, as agreed in the Joint Statement Re: Case Status dated June 1, 2018  
4 (Dkt. No. 54).

5 WHEREAS, on March 6, 2017, Plaintiff filed her Complaint for Declaratory Relief and  
6 Petition to Compel Class Arbitration as a class action pursuant to Rule 23(a) and 23(b)(1)-(2) of  
7 the Federal Rules of Civil Procedure on behalf of all similarly-situated current and former non-  
8 exempt employees of Defendant who worked within the State of California at any point from  
9 March 6, 2013 to the present, and who entered into arbitration agreements that contain class  
10 action waivers that preclude them from filing joint, class, or collective claims addressing their  
11 wages, hours, or other working conditions against Defendant in any forum, arbitral or judicial

12 WHEREAS, on May 21, 2018, the United States Supreme Court decided in *Epic Systems*  
13 *Corp. v. Lewis*, 584 U.S. \_\_\_, 2018 U.S. LEXIS 3086 (May 21, 2018) that arbitration  
14 agreements providing for individual arbitration proceedings are enforceable.

15 THEREFORE, the parties, by and through their counsel of record, hereby stipulate that  
16 this action be dismissed WITHOUT PREJUDICE, with each party to bear their own attorneys'  
17 fees and costs incurred in this action, notwithstanding the provision of Federal Rule of Civil  
18 Procedure 54(d).

19  
20 Respectfully submitted,

21 Dated: June 11, 2018

GRAHAMHOLLIS APC

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23 By: /s/ Vilmarie Cordero  
24 Graham S.P. Hollis  
25 Vilmarie Cordero  
26 Attorneys for Plaintiff  
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Dated: June 11, 2018

**THE MARKHAM LAW FIRM**

By: /s/ Maggie Realin  
David R. Markham  
Maggie Realin  
Attorneys for Plaintiff

Dated: June 11, 2018

**MACY'S, INC. LAW DEPARTMENT**

By: /s/ David E. Martin  
David E. Martin  
Attorneys for Defendant

Pursuant to Local Rule 5-1(i)(3), I, Vilmarie Cordero, attest that the other signatory listed, and on whose behalf this filing is submitted, concurs in the filing content and has authorized this filing.

/s/ Vilmarie Cordero

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**ORDER**

**IT IS SO ORDERED THAT THE STIPULATION IS APPROVED.**

Having read and considered the foregoing stipulation, the Court hereby orders that Plaintiff's Complaint be dismissed WITHOUT PREJUDICE. Each party will bear their own attorneys' fees and costs incurred in this action, notwithstanding the provision of Federal Rule of Civil Procedure 54(d).

Dated: June 11, 2018

