

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CHRIS MELINGONIS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

NETWORK COMMUNICATIONS
INTERNATIONAL CORP., d.b.a.
1-800-Call-4-Less,

Defendant.

CASE NO. 10 CV 1364 MMA (NLS)

**ORDER GRANTING PARTIES'
JOINT MOTION TO DISMISS
ACTION**

[Doc. No. 27]

On June 29, 2010, Plaintiff Chris Melingonis commenced this purported action against Defendant Network Communications International Corp. (d/b/a 1-800-Call-4-Less). Plaintiff filed a First Amended Complaint (“FAC”) on September 13, 2010. [Doc. No. 7.] Defendant filed a motion to dismiss Plaintiff’s FAC pursuant to Federal Rule of Civil Procedure 12(b)(6) on September 30, 2010. [Doc. No. 11.] On November 30, 2010, the Court denied Defendant’s motion to dismiss. [Doc. Nos. 16, 18.] This matter has not yet been certified as a class action.

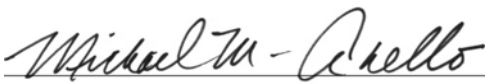
On September 15, 2011, named Plaintiff Chris Melingonis and Defendant filed a Joint Motion pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), requesting the Court dismiss the above-captioned action. [Doc. No. 27.] The parties request that the Court dismiss the matter,

1 *with* prejudice as to Mr. Melingonis, and *without* prejudice as to the alleged putative class.
2 Further, Mr. Melingonis has “agreed to release any and all interest he may have had in class
3 representation through this action and disclaims any future personal stake in the class action. . . .”

4 Upon due consideration, and good cause appearing, the Court **GRANTS** the parties’ Joint
5 Motion. Accordingly, this action is **DISMISSED WITH PREJUDICE** as to the named Plaintiff
6 Chris Melingonis, and **DISMISSED WITHOUT PREJUDICE** as to the alleged putative class.
7 The Clerk of Court is hereby instructed to close the case file.

8 **IT IS SO ORDERED.**

9
10 DATED: September 19, 2011



Hon. Michael M. Anello
United States District Judge

21
22
23
24
25
26
27
28