

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAINTREE LABORATORIES, INC.,
Plaintiff,
v.
CONCENTRIC PARTNERS, LLC,
Defendant.
Civil Action No. 1:16-cv-10715-NMG

JOINT MOTION FOR DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(2), Plaintiff Braintree Laboratories, Inc. ("Braintree") and Defendant Concentric Partners, LLC ("Concentric") jointly move this Court for the dismissal of this action with prejudice, and state as follows:

- 1. This action arose from a dispute over an alleged agreement by Concentric to deliver certain documents and a payment that Braintree made for such delivery of documents.
2. After the filing of this action, Concentric delivered documents to Braintree.
3. Since then, with respect to the documents that it delivered to Braintree, Concentric has agreed to provide a Certificate of Authenticity, consistent with Fed. R. Evid. 902(11), from a qualified custodian of records of Concentric, which Braintree has agreed to accept in lieu of seeking a deposition of the custodian of records.
4. Each of the parties has agreed to bear its own attorneys' fees and costs.
5. The parties hereto do not intend their agreement on this dismissal to limit or preclude any of Braintree's claims in the case of Ferring Pharmaceuticals, Inc. v. Braintree

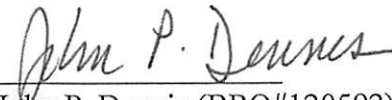
*Laboratories, Inc.*, 1:13-cv-12553 pending in this District, except that Braintree and Concentric agree not to seek an award of any fees or costs against each other in connection with the subpoenas issued to Concentric in connection with that action, and Braintree agrees that it will not seek to add Concentric as a party to that action.

6. Based on the foregoing, the parties jointly request the dismissal of this action with prejudice as between the parties hereto, subject to the terms set forth herein and without prejudice to the claims and counterclaims pending in *Ferring Pharmaceuticals, Inc. v. Braintree Laboratories, Inc.*, 1:13-cv-12553.

October 11, 2016

Respectfully submitted,

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So Ordered:

  
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U.S.D.J.

**Certificate of Service**

The undersigned certifies that this document, filed through the ECF system, will be electronically served on counsel who are registered users of ECF on October 11, 2016.

/s/ Joshua L. Solomon