

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

DENNIS THIERET, RONALD L.
BUCKNER, DAVID S. BENGEL, DAVID D.
McDONALD, MICHAEL CALLAHAN,
MICHAEL D. DRAZICH, JOHN FARR,
CHARLES LEGEZA, RONALD PERRIS,
ERIC DeFAZIO, JOHN BRADFORD,
RONALD LAWRENCE, DAVID M.
NELSON, DAVE SIMPSON, FRANK
CINICOLA, SCOTT URQUAHANT, DAVID
CORNELIUS, DALTON MINERD,
JEFFREY B. WHITFORD, MARK A.
SUTHERIN, JR., RANDY DEVER, ROBERT
THOMAS, MATTHEW RALSTON, PAT
GOLDEN, DAVID H. HANEY, ERIC L.
GROH, DAVID M. STITT, ROBERT
SMITH, BRIAN GEISER, MICHAEL
SCHUBERT, KEVIN E. SWEENEY,
CHRISTIAN MARINI, THOMAS L.
HANDERHAN, MICHAEL HARTLE and
ARTHUR GOLDBERG,

Plaintiffs,

v.

BOTTLING GROUP, LLC,

Defendant.

Case No. 2:11-cv-00644-GLL

Assigned to: Hon. Gary L. Lancaster

Complaint Filed: May 13, 2011

STIPULATION OF DISCONTINUANCE WITH PREJUDICE

WHEREAS, Plaintiffs and Defendant Bottling Group, LLC (collectively, “Parties”) and their respective attorneys, attended mediation on January 4, 2012 before Louis B. Kushner and reached a resolution of this FLSA collective action (Doc. 44);

WHEREAS, the Court, having been advised of the Parties’ resolution, marked this matter “CASE CLOSED” pending a submission by the Parties of a Stipulation of Discontinuance for approval by this Court (Doc. 45);

WHEREAS, the Parties have agreed to the terms of settlement and all Plaintiffs have entered into an individual Settlement Agreement and Release of Claims with Defendant;

IT IS HEREBY STIPULATED, by and between Plaintiffs and Defendant Bottling Group, LLC, and their respective attorneys, that the above-referenced action has been settled without any admission or finding of liability and, accordingly, is and shall be dismissed with prejudice against Defendant without costs or fees to any party as against any other party, except that the Court shall have continuing subject matter jurisdiction to interpret and enforce the terms of each individual Settlement Agreement and Release of Claims, fully executed on September 6, 2012.

Dated: September 14, 2012

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Samantha D. Hardy
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dba PBC.


Dated: September 14, 2012

JUBELIRER, PASS & INTRIERI, P.C.

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Attorneys for Plaintiffs.

SO ORDERED, this 14th day of Sept, 2012.



Hon. Gary L. Lancaster
Chief United States District Judge