

1 Ben F. Pierce Gore (SBN 128515)
PRATT & ASSOCIATES
2 1871 The Alameda, Suite 425
San Jose, CA 95126
3 Telephone: (408) 429-6506
4 Facsimile: (408) 369-0752
pgore@prattattorneys.com

5
6 *Attorney for Plaintiff*

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 ROBERT FIGY, and MARY
12 SWEARINGEN, for themselves and on
behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15 FRITO-LAY NORTH AMERICA, INC.,

16 Defendant.

Case No. 3:13-CV-3988

**PLAINTIFFS' NOTICE OF VOLUNTARY
DISMISSAL**

Action Filed: August 27, 2013

17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiffs Robert Figy and Mary Swearingen (hereinafter "Plaintiffs") hereby file this their
2 notice of dismissal pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(i). Defendant has
3 filed neither an answer nor a motion for summary judgment in this cause. Plaintiffs respectfully
4 ask that the clerk take all actions necessary to dismiss this matter from the docket.
5

6 Dated: September 11, 2014

PLAINTIFFS FIGY AND SWEARINGEN

7 /s/ Gary Yarborough

8 Gary M. Yarborough, Jr. (Pro Hac Vice)
9 Yarborough Law Firm
845-B Highway 90
10 Bay Saint Louis, MS 39520
Telephone: (228) 467-5771
11 Fax: (228) 467-5774
Email: ylf.garyyarborough@att.net

12 Dewitt M. Lovelace
13 LOVELACE LAW FIRM, P.A.
12870 U.S. Hwy 98 West, Suite 200
14 Miramar Beach, FL32550
Telephone: (850) 837-6020
15 Fax: (850) 837-4093
dml@lovelacelaw.com

16 Ben F. Pierce Gore (SBN 128515)
17 PRATT & ASSOCIATES
1871 The Alameda, Suite 425
18 San Jose, CA 95126
Telephone: (408) 429-6506
19 Facsimile: (408) 369-0752
pgore@prattattorneys.com

Certificate of Service

1
2
3 I, Gary M. Yarborough, Jr., counsel for Plaintiffs Robert Figy and Mary Swearingen, do
4 hereby certify that I have served, via ECF and email, a true and correct copy of the above and
5 foregoing pleading to:

6 Andrew S. Tulumello
7 atulumello@gibsondunn.com
8 Geoffrey M. Sigler
9 gsigler@gibsondunn.com
10 Jason R. Meltzer
11 jmeltzer@gibsondunn.com
12 1050 Connecticut Avenue, N.W.
13 Washington, D.C. 20036
14 Telephone: 202.955.8500
15 Facsimile: 202.467.0539

16
17
18
19
20
21
22
23
24
25
26
27
28
Dated: September 11, 2014.

/s/ Gary M. Yarborough, Jr.
Gary M. Yarborough, Jr.