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11 Attorneys for Defendant Zinus, Inc.

12 **[Additional counsel listed in signature blocks]**

13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 VANESSA GUTIERREZ, *on her own behalf and on*
behalf of her minor children, Al. D. and An. D.;
16 JEREMY MILLER and MARIANNA MILLER, *on*
their own behalves and on behalf of their minor
17 *children, P.M. and L.M.; LEONARD MILLER;*
18 *THERESA MILLER; and collectively on behalf of*
themselves and all others similarly situated,

19 Plaintiffs,

20 vs.

21 ZINUS INC.,

22 Defendant.

Case No. 2:22-CV-1172-KJM-DB

**NOTICE AND STIPULATION OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO RULE 41**

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**NOTICE AND STIPULATION OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO RULE 41**

1 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Vanessa
2 Gutierrez, Jeremy Miller, Marianna Miller, Leonard Miller, and Theresa Miller (collectively,
3 “Plaintiffs”) and Defendant Zinus, Inc. (“Defendant”) (Plaintiffs and Defendant collectively referred
4 to as the “Parties”) agree and stipulate to the following:

- 5 1. The Parties stipulate to dismissal of this action without prejudice; and
- 6 2. The Parties further stipulate that all Parties shall bear their own costs in this action.

7 **IT IS SO STIPULATED AND AGREED.**

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9 Dated: August 25, 2023

ARNOLD & PORTER KAYE SCHOLER LLP

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11 By: s/ Sharon D. Mayo

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**NOTICE AND STIPULATION OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO RULE 41**

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