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DEREK WILLIAMS and NIKITA
7 BOGOLYUBOV

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10

11 AMIR KAVEHRAD, DEREK
WILLIAMS, and NIKITA
12 BOGOLYUBOV, on behalf of
themselves and all others similarly
13 situated,

14 Plaintiffs,

15 vs.

16 VIZIO INC.,

17 Defendant.

Case No. 8:21-cv-01868 JLS (DFMx)

Hon. Josephine L. Staton

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER**

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1 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, this Stipulation of
2 Dismissal is entered into by and between Plaintiffs Amir Kavehrad, Derek Williams,
3 and Nikita Bogolyubov (“Plaintiffs”), and Defendant VIZIO Inc. (“Defendant” and
4 together with Plaintiffs, the “Parties”) based on the following facts.

5 **RECITALS**

6 1. On October 12, 2021, Plaintiff Kavehrad initiated this action (the
7 “Action”) by filing a Complaint in the Superior Court for the State of California,
8 County of Orange captioned *Amir Kavehrad, on behalf of himself and all others*
9 *similarly situated v. VIZIO Inc., et al.*, Case No. 30-2021-01225836-CU-NP-CXC.
10 Defendant removed the Action to this Court on November 12, 2021. (Dkt. 1.)

11 2. On February 28, 2023, following motions to dismiss, Plaintiffs filed the
12 operative Fourth Amended Complaint. (Dkt. 65.) Plaintiffs allege three claims on
13 an individual and putative class basis for (1) violation of California’s Unfair
14 Competition Law, Business & Professions Code §§ 17200, *et seq.*, (2) violation of
15 California’s Consumer Legal Remedies Act, Civil Code §§ 1750, *et. seq.*, and
16 (3) breach of the implied warranty of merchantability. (*Id.* ¶¶ 98–131.) Defendant
17 denies that there is any factual or legal basis for Plaintiffs’ allegations.

18 3. During the course of discovery in the Action, Defendant has provided
19 documents and information relevant to the claims in the Action. After dialogue
20 concerning these matters, subject to Rule 408 of the Federal Rules of Evidence, the
21 Parties have reached a settlement which resolves all claims alleged by Plaintiffs on
22 an individual basis.

23 4. Pursuant to the settlement, the Parties agree that Plaintiffs will dismiss
24 all of their individual claims in the Action with prejudice.

25 5. The Parties further agree that Plaintiffs will dismiss their putative class
26 claims without prejudice. Plaintiffs have not filed a motion for class certification,
27 the deadline for filing such a motion has expired, and no class has been certified in

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1 this action, such that the notice requirements of Rule 23(e) of the Federal Rules of
2 Civil Procedure are inapplicable.

3 6. The Parties agree that they are each to bear their own attorneys' fees
4 and costs with respect to this action.

5 **STIPULATION**

6 Based on the foregoing, the Parties stipulate and request that the Court
7 dismiss the above-captioned action in its entirety, with each Party to bear their own
8 attorneys' fees and costs, as follows:

9 1. Plaintiffs' individual claims asserted in this action shall be dismissed
10 with prejudice.

11 2. Plaintiffs' putative class claims shall be dismissed without prejudice.

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13 **SO STIPULATED.**

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15 Dated: January 31, 2024

CHIMICLES SCHWARTZ KRINER
& DONALDSON-SMITH LLP
STEVEN A. SCHWARTZ
ALEX M. KASHURBA

16
17
18 By: Alex Kashurba
19 Alex M. Kashurba
20 Attorneys for Plaintiffs
21 AMIR KAVEHRAD, DEREK
WILLIAMS and NIKITA
BOGOLYUBOV

22
23 Dated: January 31, 2024

RUTAN & TUCKER, LLP
MICHAEL D. ADAMS
LUCAS K. HORI

24
25
26 By: /s/ Michael D. Adams
27 Michael D. Adams
28 Attorneys for Defendant VIZIO INC.

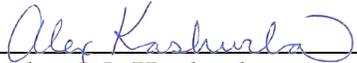
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ATTESTATION

Pursuant to Local Rule 5-4.3.4, the filer attests on the signature page of this document that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing’s content and have authorized the filing.

Dated: January 31, 2024

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By: 

Alex M. Kashurba
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