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LUCK Y BOY HAMBURGERS, INC.

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

LUCKY BOY HAMBURGERS,
INC., a California corporation,
Plaintiff,

v.

NEWS MERGER COMPANY LLC
d/b/a POSTMATES, a Delaware
limited liability company, ,

Defendant.

CASE NO. 2:21-cv-01706- AB-E

Honorable Andre Birotte Jr.

**NOTICE OF VOLUNTARY
DISMISSAL WITH PREJUDICE
BY PLAINTIFF
(FRCP 41(a)(1)(A)(i))**

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1 PLEASE TAKE NOTICE that Plaintiff Lucky Boy Hamburgers, Inc.
2 (“Plaintiff”), and Defendant News Merger Company LLC d/b/a Postmates
3 (“Defendant”) have entered into a settlement agreement (“Agreement”). Per the
4 terms of the Agreement, Plaintiff hereby voluntarily dismisses all claims in this
5 action with prejudice in its entirety for all actions complained of up to the date of
6 dismissal, each party to bear its own attorneys’ fees and costs.

7 Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

8 (a) Voluntary Dismissal.

9 (1) By the Plaintiff.

10 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and
11 any applicable federal statute, the plaintiff may dismiss an action without a court
12 order by filing:

13 (i) a notice of dismissal before the opposing party serves either an answer or a
14 motion for summary judgment

15 * * *

16 Defendant has neither answered Plaintiff’s Complaint, nor filed a motion for
17 summary judgment. Even though a Court Order is not required, Plaintiff has
18 provided a Proposed Order dismissing the action with prejudice pursuant to Rule
19 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.
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22 Dated: June 2, 2021

By: /s/Jeffrey G. Sheldon
Jeffrey G. Sheldon
Katherine M. Bond
Attorneys for Plaintiff
LUCKY BOY HAMBURGERS INC.

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