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LUCK Y BOY HAMBURGERS, INC.

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**
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14 LUCKY BOY HAMBURGERS,
15 INC., a California corporation,
Plaintiff,

16 v.

17 NEWS MERGER COMPANY LLC
18 d/b/a POSTMATES, a Delaware
19 limited liability company, ,
20 Defendant.
21

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

23 By: /s/Jeffrey G. Sheldon
24 Jeffrey G. Sheldon
25 Katherine M. Bond
26 Attorneys for Plaintiff
27 LUCKY BOY HAMBURGERS INC.
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