

Kevin McInerney (SBN 46941)
kevin@mcinerneylaw.net
1050 N. Hills Blvd., # 61388
Reno, Nevada 89506
Tel: (775) 849-3811
Fax: (775) 624-3589

Melissa Grant (SBN 205633)
Melissa.Grant@capstonelawyers.com
Bevin Allen Pike (SBN 221936)
Bevin.Pike@capstonelawyers.com
Orlando Villalba (SBN 232165)
Orlando.Villalba@capstonelawyers.com
Jamie Rebecca Greene (SBN 249355)
Jamie.Greene@capstonelawyers.com
Trisha K. Monesi (SBN 303512)
Trisha.Monesi@capstonelawyers.com
CAPSTONE LAW APC
1875 Century Park East, Suite 1000
Los Angeles, California 90067
Telephone: (310) 556-4811
Facsimile: (310) 943-0396

Attorneys for Plaintiffs
BARBARA WATERS, SAMANTHA FERNANDEZ,
DESTINEY LOPEZ, AND APRIL SWOBODA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

BARBARA WATERS, SAMANTHA
FERNANDEZ, DESTINEY LOPEZ,
and APRIL SWOBODA, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

v.

WALMART INC., a Delaware
corporation,

Defendant.

Case No.: 5:20-cv-05664-EJD

**PLAINTIFFS' NOTICE OF
VOLUNTARY DISMISSAL WITH
PREJUDICE PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(i)**

1 **PLEASE TAKE NOTICE** that Plaintiffs Barbara Waters, Samantha
2 Fernandez, Destiney Lopez, and April Swoboda (collectively, “Plaintiffs”) hereby
3 voluntarily dismiss all claims in this action with prejudice, pursuant to Federal Rule of
4 Civil Procedure 41(a)(1)(A)(i).

5 On January 7, 2021, this Court granted the motion of Defendant Walmart Inc.
6 (“Defendant”) to stay this action pending resolution of the issues raised by Plaintiffs in
7 their Motion for Order to Show Cause in *Nisha Brown, et al. v. Wal-Mart Stores. Inc.*,
8 N.D. Cal. Case No. 5:09-cv-03339-EJD (“*Brown*”). (Dkt. 41.)

9 In light of the court order denying the Motion for Order to Show Cause in *Brown*,
10 Plaintiffs have met and conferred with Defendant and have agreed to dismiss this entire
11 action with prejudice, with each side to bear their or its own costs and attorneys’ fees.

12 Federal Rule of Civil Procedure 41(a)(1) permits a plaintiff to dismiss an action
13 with prejudice without a court order by filing a notice of dismissal before the opposing
14 party serves either an answer or a motion for summary judgment. Fed. R. Civ. Proc.
15 41(a)(1)(A)(i). Defendant has neither answered Plaintiff’s Complaint nor filed a
16 motion for summary judgment. Accordingly, this matter may be dismissed with
17 prejudice and without an order of the Court.

18 Dated: January 11, 2022

By: /s/ Kevin J. McInerney

Kevin J. McInerney

20 Attorneys for Plaintiffs BARBARA
21 WATERS, SAMANTHA FERNANDEZ,
22 DESTINEY LOPEZ, AND APRIL
23 SWOBODA
24
25
26
27
28