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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF WASHINGTON

12	_____)	
13)	
14	FEDERAL TRADE COMMISSION,)	Case No.: 13-CV-00279-TOR
15	Plaintiff,)	STIPULATION TO DISMISS
16	v.)	GENERATION Y
17	MERCHANT SERVICES DIRECT,)	INVESTMENTS, LLC,
18	LLC, a Washington Limited Liability)	PURSUANT TO FED.R.CIV.P.
19	Company, also dba SPHYRA, INC., <i>et</i>)	41(a)(1)(A)(ii)
20	<i>al.</i> ,)	Date: 10/27/14
21	Defendants.)	Time: 6:30 p.m.
22)	
23	_____)	

24 Plaintiff Federal Trade Commission and defendants Merchant Services
 25 Direct, LLC, also d/b/a Sphyra, Generation Y Investments, LLC, Boost
 26 Commerce, Inc., Shane Patrick Hurley, and Kyle Lawson Dove (“Settling
 27 Defendants”) have entered into Proposed Stipulated Orders resolving all issues
 28

1 between them in this litigation, which have been filed concurrently with this
2 Stipulation. In conjunction with these Proposed Stipulated Orders, Plaintiff and
3 the Settling Defendants have agreed to stipulate to the dismissal with prejudice of
4 the action as to defendant Generation Y Investments, LLC (“GenY”), pursuant to
5 Fed. R. Civ. P. 41(a)(1)(A)(ii). Rule 41(a)(1)(A)(ii) which permits the Plaintiff to
6 dismiss an action by filing a stipulation of dismissal signed by all parties who have
7 appeared. Plaintiff seeks to dismiss GenY from the action, with prejudice, because
8 it is a real estate holding company owned by defendant Shane Patrick Hurley and
9 had no role in the conduct the FTC alleged in its Complaint and is not subject to
10 the Proposed Stipulated Orders. Therefore, Plaintiff and Settling Defendants
11 respectfully request that the Court enter an Order dismissing GenY with prejudice.
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14
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16 Dated: October 27, 2014

17
18 FOR PLAINTIFF:

19 /s/ Nadine Samter

20 NADINE SAMTER, WA Bar # 23881

21 JENNIFER LARABEE, CA Bar # 163989

22 ELEANOR DURHAM, Maryland Bar

23 Counsel for Plaintiff Federal Trade Commission
24

25 FOR DEFENDANTS:

26 _s/Carl J. Oreskovich

27 CARL J. ORESKOVICH

28 Etter, McMahon, Lamberson, Clary & Oreskovich, P.C.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 27, 2014, I electronically filed the foregoing

3 **STIPULATION TO DISMISS GENERATION Y INVESTMENTS, LLC,**

4 **PURSUANT TO Fed.R.Civ.P. 41(a)(1)(A)(ii)** with the Clerk of the Court using

5 the CM/ECF System, which will send notification of such filing to the following:

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12 Counsel for Defendants Boost Commerce, Inc., and Kyle Lawson Dove

13 DATED: October 27, 2014

14 s/Nadine Samter

15 Nadine Samter