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24 **UNITED STATES DISTRICT COURT**

25 **EASTERN DISTRICT OF CALIFORNIA**

26 BECKY GREER; TIMOTHY C. BUDNIK;
27 ROSARIO SAENZ; IAN CARTY, HALEY
28 MARKWITH, MARIA GARCIA PESINA,
and MONICA MULDROW, Individually and
as "Class Representatives,"

Plaintiffs,

v.

PACIFIC GAS AND ELECTRIC
COMPANY, IBEW LOCAL 1245, and
DOES 1 through 10, inclusive,

Defendants.

Case No. 1:15-CV-01066—EPG

**STIPULATION AND ORDER TO
DISMISS WITH PREJUDICE**

Fed. R. Civ. P. Rule 41(a)(2)

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RECITALS

WHEREAS, Plaintiffs’ filed their Third Amended Complaint on November 2, 2016, adding Plaintiffs Maria Garcia Pesina and Monica Muldrow as proposed class representatives, adding a cause of action against Defendant Pacific Gas and Electric Company (“PG&E”) pursuant to Business and Professions Code § 17500, and adding a cause of action against Defendant IBEW Local 1245 (“IBEW”) for a Breach of the Duty of Fair Representation;

WHEREAS, Plaintiffs have learned through discovery that Plaintiff Monica Muldrow was not hired by PG&E as a Service Representative I (“SR I”) employee, but entered the SR I classification through a separate process that rendered the Clerical Hiring Rate Guidelines inapplicable to her;

WHEREAS, Plaintiffs have determined Business and Professions Code § 17500 claim is incorporated or subsumed within Plaintiffs existing Business and Professions Code § 17200 claim, and;

BE IT RESOLVED that the Parties desire to avoid unnecessary motion practice or costs:

STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiffs Becky Greer, Timothy C. Budnik, Rosario Saenz, Haley Markwith, Ian Carty, Maria Garcia Pesina and Monica Muldrow, on behalf of themselves and all others similarly situated (“PLAINTIFFS”), Defendants PG&E and IBEW Local 1245 (collectively “DEFENDANTS), (collectively, “the PARTIES”) who have appeared in this action, by and through their respective designated counsel, that, in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure, the individual claims of Plaintiff Monica Muldrow against DEFENDANTS shall be dismissed with prejudice and with each party bearing its own costs.

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IT IS FURTHER STIPULATED that PLAINTIFFS' Seventh Cause of Action for a Violation of Business and Professions Code § 17500 et seq. against Defendant PG&E shall be dismissed with prejudice and with each party bearing its own costs.

IT IS SO STIPULATED.

DATED: December 20, 2016

WANGER JONES HELSLEY PC

By: /s/ Patrick D. Toole
Patrick D. Toole,
Dylan J. Crosby,
Erin T. Huntington
Attorneys for PLAINTIFFS on behalf of themselves and all others similarly situated

DATED: December 20, 2016

LITTLER MENDELSON, P.C.

By: /s/ Joshua D. Kienitz
Robert G. Hulteng
Joshua D. Kienitz
Aurelio J. Perez
Attorneys for Defendant, Pacific Gas & Electric Company

DATED: December 20, 2016

LEONARD CARDER, LLP

By: /s/ Philip C. Monrad
Philip C. Monrad
Attorney for Defendant, IBEW Local 1245

DATED: December 20, 2016

IBEW LOCAL 1245

By: /s/ Alex J. Pacheco
Alex J. Pacheco
Attorney for Defendant, IBEW Local 1245

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ORDER

Based on the Parties' Stipulation and good cause:

1. Plaintiff Monica Muldrow, and any and all claims alleged on her behalf, is, and are hereby dismissed with prejudice in exchange for a waiver of costs.

2. Plaintiffs' Seventh Cause of Action for a Violation of Business and Professions Code § 17500 et seq. against Defendant PG&E is hereby dismissed with prejudice in exchange for a waiver of costs.

3. Given the above dismissal, Paragraphs 17 and 179-188 of the Third Amended Complaint (*Dkt. No.* 105), and all references therein to Ms. Muldrow, are deemed stricken. Plaintiffs shall not be required to file, nor shall either Defendant be required to answer, another amended complaint.

4. The Clerk is directed to terminate Ms. Muldrow as a party on the docket.

IT IS SO ORDERED.

Dated: December 20, 2016

/s/ Eric P. Gorsj
UNITED STATES MAGISTRATE JUDGE