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11 Attorneys for Plaintiff and the proposed Class

12 *Additional Counsel on the following page*

13 UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 KEITH KOMARNICKI, on behalf of himself  
16 and all others similarly situated,

17 Plaintiff,

18 v.

19 LINKUS ENTERPRISES, LLC, DISH  
20 NETWORK L.L.C., DISH NETWORK  
21 CALIFORNIA SERVICE CORPORATION,  
22 and DOES 1-50, inclusive,

23 Defendants.

Case No. 1:16-cv-01602-DAD-SKO

**STIPULATION OF DISMISSAL; ORDER**

**(Doc. 66)**

Judge: Honorable Dale A. Drozd  
Date Removed: October 21, 2016  
First Amended Complaint filed: April 19,  
2017

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20 LINKUS ENTERPRISES, LLC

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28 Attorneys for Defendants  
DISH NETWORK L.L.C., DISH NETWORK  
CALIFORNIA SERVICE CORPORATION

1 **STIPULATION**

2 Pursuant to Federal Rule of Procedure 41, this Stipulation of Dismissal is entered into by and  
3 between Plaintiff Keith Komarnicki (“Plaintiff”) and Defendants LinkUs Enterprises, LLC, DISH  
4 Network L.L.C., and Dish Network California Service Corporation (collectively, “Defendants”), based  
5 upon the following facts:

6 WHEREAS, Plaintiff’s case was removed to this Court on October 21, 2016, and Plaintiff filed  
7 his operative First Amended Complaint on April 19, 2017;

8 WHEREAS, in his First Amended Complaint, Plaintiff asserts wage and hour claims on an  
9 individual and putative class basis pursuant to Federal Rule of Procedure 23, and pursuant to the  
10 California Labor Code Private Attorneys General Act (“PAGA”);

11 WHEREAS, Plaintiff has not filed a motion for class certification, and no class has been  
12 certified, in this action;

13 WHEREAS, Plaintiff and Defendants have negotiated and consummated a settlement between  
14 them, which fully resolves all claims alleged by Plaintiff on an individual basis;

15 WHEREAS, Defendants deny that there is a factual or legal basis for Plaintiff’s claims and  
16 allegations, and deny that Plaintiff’s claims may be certified to proceed on a class basis;

17 WHEREAS, pursuant the settlement, Plaintiff and Defendants agree that Plaintiff will dismiss  
18 all of his individual claims with prejudice, including the claims he has asserted under PAGA;

19 WHEREAS, Plaintiff and Defendants agree that Plaintiff’s dismissal with prejudice of the  
20 claims he has asserted under PAGA is not intended to affect the State of California’s ability to pursue  
21 civil penalties pursuant to the California Labor Code;

22 WHEREAS, Plaintiff and Defendants agree that Plaintiff will dismiss his putative class claims  
23 claims without prejudice;

24 WHEREAS, Plaintiff and Defendants agree that they are each to bear their own attorneys’ fees  
25 and costs with respect to this action;

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27  
28

1 NOW THEREFORE, based on the foregoing, the Parties hereby stipulate and request that the  
2 Court dismiss the above-captioned action in its entirety, with each Party to bear their own attorneys'  
3 fees and costs, as follows:

- 4 1. Plaintiff's individual claims and PAGA shall be dismissed with prejudice; and
- 5 2. Plaintiff's putative class claims shall be dismissed without prejudice;

6 **IT IS SO STIPULATED**

7  
8 DATED: December 26, 2018

Respectfully Submitted,

9 /s/ Carolyn Hunt Cottrell  
10 Carolyn Hunt Cottrell (SBN 166977)  
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Attorneys for Plaintiff and the proposed Class

18  
19 DATED: December 26, 2018

SUTTON HAGUE LAW CORPORATION, P.C.

20 By: /s/ Jared Hague  
21 S. BRETT SUTTON  
22 JARED HAGUE  
23 Attorneys for Defendants  
24 LINKUS ENTERPRISES, LLC

25  
26 DATED: December 26, 2018

LITTLER MENDELSON, P.C.

27 By: /s/ Marlene S. Muraco  
28 MARLENE S. MURACO  
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