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15 Attorneys for Esparza Enterprises, Inc.

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

19 OLGA CASILDO; JAIME CHINO
20 SEVERIANO, as individuals, on behalf of
themselves and others similarly situated

21 PLAINTIFFS,

22 v.

23 ESPARZA ENTERPRISES, INC; and DOES
24 1 thru 50, inclusive,

25 DEFENDANTS.

CASE NO. 1:17-cv-00601-LJO-JLT

**STIPULATION RE: DISMISSAL OF
PLAINTIFFS' CLAIMS WITH
PREJUDICE; [PROPOSED] ORDER
(Doc. 56)**

1 Plaintiffs Olga Casildo, Jaime Chino Severiano, Ofelia Tornes Aguilar, Juan Carlos
2 Veronica Loreto, Moises Veronica Loreto, Marisela Serna, Hermina Veronica Loreto, Margarita
3 Casildo Bailon, Emanuel Casimiro Nandi, Elida Ramirez, and Jasmin Castro Grande (“Plaintiffs”)
4 and Defendant Esparza Enterprises, Inc. (“Esparza” or “Defendant”), by and through their
5 respective counsel of record, hereby stipulate as follows:

6 WHEREAS, Plaintiffs are a group of 11 current and former field workers who allege wage-
7 and-hour violations against Defendant;

8 WHEREAS, this matter was originally filed as a class action, but after filing, Defendant
9 resolved the class claims through the settlement in a related case, *Clendenen v. Esparza*
10 *Enterprises, Inc. et al.*, (“*Clendenen*”) Case No. S-1500-CV-281278-SPC, filed February 10, 2014
11 in Kern County Superior Court;

12 WHEREAS, several employees appealed the order approving the *Clendenen* settlement
13 and this Court stayed the instant matter while the appeal was pending;

14 WHEREAS, the Court lifted the stay after the *Clendenen* appeal was dismissed and the
15 settlement became final (Doc. 16);

16 WHEREAS, Plaintiffs filed amended complaints removing class allegations and adding
17 claims for the above-named 11 individual Plaintiffs who had opted out of the *Clendenen* settlement
18 (*see* Docs. 17, 27, 23, 30);

19 WHEREAS, on November 1, 2019, the Parties filed a joint Notice of Settlement in
20 Principle, advising the Court that they had reached a settlement in principle and were negotiating
21 the terms of a written agreement (Doc. 51);

22 WHEREAS, the Court has now ordered the parties to file a stipulation of dismissal by
23 February 3, 2020 and to clarify whether the action has settled only the individual claims of the
24 named Plaintiffs or whether the claims of the class have likewise been settled;

25 WHEREAS, the parties have entered into a settlement of only the individual claims as
26 those are the only claims now at issue following the earlier stipulated and ordered dismissal of
27 class claims (*see* Doc. 16, fn. 1; Docs. 17, 23, 30);

28 WHEREAS, the parties have entered into a Confidential Settlement Agreement and

1 General Release of All Claims requiring the Plaintiffs to dismiss the current case with prejudice;

2 NOW THEREFORE, the Parties, through their respective counsel, hereby stipulate and
3 agree to the dismissal with prejudice of this action and of all claims raised herein against
4 Defendants.

5 IT IS SO STIPULATED.

6 DATED: January 30, 2020

KINGSLEY & KINGSLEY, APC

7
8 By: /s/ Ari J. Stiller

Eric B. Kingsley

Ari J. Stiller

Attorneys for Plaintiff and the Proposed Class

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11 DATED: January 30, 2020

LEBEAU • THELEN, LLP

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13 By: /s/ Kelly Lazerson

Kelly Lazerson

Attorneys for Defendant Esparza Enterprises, Inc.

1 **ORDER**

2 The parties have settled their case and have stipulated to the action being dismissed with
3 prejudice. (Doc. 56) The Federal Rules of Civil Procedure Rule 41 makes such stipulations
4 effective immediately with further order of the Court. Wilson v. City of San Jose, 111 F.3d 688,
5 692 (9th Cir. 1997). Accordingly, the Clerk of Court is DIRECTED to close this action.

6
7 IT IS SO ORDERED.

8 Dated: **January 30, 2020**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE