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 11 THERESA DUCKWORTH
 12 (additional attorneys on next page)

13 **IN THE UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF CALIFORNIA-SACRAMENTO DIVISION**

15 THERESA DUCKWORTH, on behalf of
 16 herself, all others similarly situated, and the
 17 general public, and as an “aggrieved employee”
 18 on behalf of other “aggrieved employees” under
 19 the Labor Code Private Attorneys General Act
 20 of 2004,

21 *Plaintiff,*

22 v.

23 KENT’S MEATS & GROCERIES, INC., a
 24 California corporation; KENT W. PFRIMMER,
 25 an individual; JERRY WOBBE, an individual;
 26 and DOES 1 through 10,

27 *Defendant(s).*

Case No.: 2:15-CV-00292-TLN-CMK

**ORDER GRANTING STIPULATION
 FOR DISMISSAL OF PLAINTIFF’S
 CLAIMS FOR RELIEF 10 THROUGH 16
 AND WITHDRAWAL OF
 DEFENDANTS’ MOTION TO DISMISS**

Action Filed: February 4, 2015

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ATTORNEYS FOR DEFENDANTS KENT'S MEATS & GROCERIES, INC. AND
KENT W. PFRIMMER

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1 WHEREAS, on February 4, 2015, THERESA DUCKWORTH (“Plaintiff”) commenced
2 this individual and class action against KENT’S MEATS & GROCERIES, INC. and KENT W.
3 PFRIMMER (“Defendants”) in the United States District Court, Eastern District of California-
4 Sacramento Division. In addition to her individual sexual discrimination, harassment and
5 retaliation claims based on violations of the public policy, Title VII of the Civil Rights Act of
6 1964 (“Title VII”), and the California Fair Employment and Housing Act (“FEHA”), Plaintiff
7 alleged that Defendants are liable to her and other similarly situated current and former non-
8 exempt, hourly employees in California for unpaid wages and other related relief based on
9 Defendants’ alleged failures to (1) provide all rest breaks, (2) provide all meal periods, (3) fairly
10 compete, (4) indemnify for all expenses, (5) provide accurate wage statements, and (6) timely
11 pay final wages upon termination of employment.
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14 WHEREAS, on February 27, 2015, Plaintiff served Defendants with the lawsuit.

15 WHEREAS, on March 25, 2015, Defendants filed a motion to dismiss Plaintiff’s wage
16 and hour class claims (Claims for Relief 10 through 16). Defendants argued that the Court lacks
17 supplemental jurisdiction over Plaintiff’s state wage and hour claims under 28 U.S.C. § 1367(a).
18

19 WHEREAS, Plaintiff does not concede to Defendants’ arguments for lack of
20 supplemental jurisdiction over the disputed claims.

21 GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED AS
22 FOLLOWS:

23 A. Plaintiff will file an amended complaint (attached as Exhibit A to this
24 Stipulation) that omits Claims for Relief 10 through 16.

25 B. Plaintiff will file the dismissed claims in the Superior Court of California,
26 County of Shasta.
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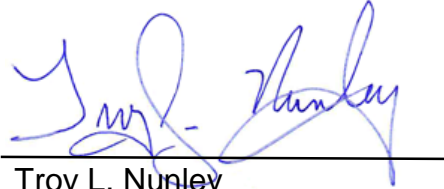
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C. Any tolling of Plaintiff's statute of limitations for the dismissed claims is governed by federal and/or state law.

D. Immediately after filing of this stipulation and before April 9, 2015, Defendants will withdraw their motion to dismiss Plaintiff's state claims.

IT IS SO ORDERED.

Dated: April 9, 2015



Troy L. Nunley
United States District Judge