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20 **Attorneys for Defendant H.F.D. NO. 55, INC.**

21 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA

23 **SABRINA SMITH,**

24 **Plaintiff,**

25 **vs.**

26 **H.F.D. NO. 55, INC., dba J. CREW; and**
 27 **DOES 1-100, inclusive,**

28 **Defendants.**

Case No. 2:15-CV-01293-KJM-KJN

STIPULATION AND ORDER
SUBMITTING PLAINTIFF'S
INDIVIDUAL CLAIMS TO
ARBITRATION AND STAYING PAGA
CLAIMS

1 _____
2 IT IS HEREBY STIPULATED by and between the parties hereto, namely, Plaintiff
3 Sabrina Smith (“Plaintiff”) and Defendant H.F.D. No. 55, Inc. (“Defendant”) that:

- 4 1. Plaintiff will submit to arbitration on the following individual claims:
5 a. First cause of action, for disability discrimination under the Fair
6 Employment and Housing Act (“FEHA”);
7 b. Second cause of action, for failure to accommodate under FEHA;
8 c. Third cause of action, for failure to engage in the interactive process under
9 FEHA;
10 d. Fourth cause of action, for retaliation under FEHA;
11 e. Fifth cause of action, for failure to prevent discrimination and retaliation
12 under FEHA;
13 f. Sixth cause of action, for failure to provide rest breaks;
14 g. Seventh cause of action, for failure to provide meal breaks;
15 h. Tenth cause of action, for failure to provide wage statement records upon
16 request;
17 i. Twelfth cause of action, for failure to provide personnel file upon request;
18 and
19 j. Thirteenth cause of action, for retaliation under Labor Code § 98.6.

20 2. That the following claims shall be dismissed with prejudice for purposes of
21 streamlining the arbitration:

- 22 a. Ninth cause of action, for failure to timely pay wages;
23 b. Tenth cause of action, for failure to pay wages upon termination; and
24 c. Fourteenth cause of action, for unfair business practices.

25 3. That Plaintiff’s single Labor Code Private Attorneys General Act of 2004
26 (“PAGA”) cause of action, namely, the Eighth cause of action for civil penalties, attorneys’ fees,
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1 and costs under PAGA for failure to furnish accurate wage statements, shall be stayed until
2 completion of the arbitration.

3
4 **DATED:** May 18, 2016

MAYALL HURLEY P.C.

5
6 By _____ /s/ Nicholas J. Scardigli
7 NICHOLAS SCARDIGLI
8 Attorneys for Plaintiff
9 SABRINA SMITH

10
11 **DATED:** May 18, 2016

LITTLER MENDELSON, P.C.

12 By _____ /s/ Janel Ablon
13 JULIE A. DUNNE
14 ELIZABETH STAGGS WILSON
15 JANEL ABLON
16 Attorneys for Defendant
17 H.F.D. NO. 55, INC.

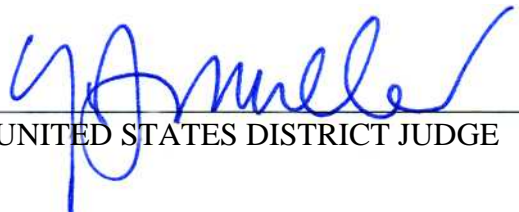
1 **ORDER**

2 Upon review of the foregoing stipulation entered into by and between the parties in the
3 above-referenced action, and good cause appearing therefore,

4 **IT IS HEREBY ORDERED** that the foregoing stipulation is APPROVED.

5 Accordingly, the case is STAYED pending arbitration, and all previously set deadlines and
6 hearings are VACATED. The parties shall notify the court within seven (7) days of the
7 arbitration completion.

8 DATED: May 19, 2016

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11 UNITED STATES DISTRICT JUDGE
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