



1 **STIPULATION**

2 WHEREAS the above entitled action by was initiated by the filing of a complaint on or about  
3 February 3, 2017 against Defendants in the Sacramento Superior Court, Case No. 34-2017-00207507;

4 WHEREAS on February 3, 2017, Plaintiff provided notice to the Labor and Workforce  
5 Development Agency (“LWDA”) of her intent to bring a representative claim under the Private  
6 Attorneys General Act (“PAGA”);

7 WHEREAS the LWDA did not provide any response to this notice and as such Plaintiff became  
8 authorized to bring a PAGA claim on behalf of herself and other aggrieved employees;

9 WHEREAS Defendants removed the action to the United States District Court for the Eastern  
10 District of California on or about March 16, 2017;

11 WHEREAS Plaintiff filed a First Amended Complaint, Case No. 2:17-CV-00570-TLN-KJN;

12 WHEREAS Defendants filed a Motion to Dismiss Plaintiff’s First Amended Complaint and  
13 Strike Class Allegations on or about June 29, 2017;

14 WHEREAS on June 26, 2017, the Court granted Defendants’ Motion in part and denied it in  
15 part;

16 WHEREAS no motion for certification of this matter has been filed or has been scheduled to be  
17 filed;

18 WHEREAS in order to avoid the risks and expenses associated with continued litigation, the  
19 Parties now wish to dismiss the PAGA claims without prejudice and dismiss the class claims and  
20 allegations without prejudice;

21 IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, subject to the  
22 approval of the Court, as follows:

23 1. That the PAGA claims alleged in Plaintiff’s First Amended Complaint shall be dismissed  
24 without prejudice;

25 2. That the claims of any putative class member, class claims, and/or class allegations shall  
26 be dismissed without prejudice;

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- 3. That Plaintiff's individual claims shall be dismissed with prejudice; and
- 4. All parties shall bear their own attorney's fees and costs.

DATED: July 25, 2018

**Shimoda Law Corp.**

By: /s/ Justin P. Rodriguez  
Galen T. Shimoda, Esq.  
Justin P. Rodriguez, Esq.  
Attorneys for Plaintiffs

DATED: July 25, 2018

**Little Mendelson P.C.**

By: /s/ Barbara A. Blackburn  
Barbara A. Blackburn, Esq.  
(as authorized on 7/25/18)  
Attorney for Defendant

1 **ORDER**

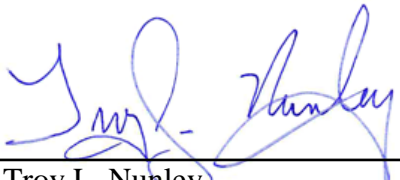
2 The Court, having considered the above stipulation and the declaration of Plaintiff's Counsel  
3 filed in support thereof, HEREBY ORDERS the following:

- 4 1. That the PAGA claims alleged in Plaintiff's First Amended Complaint be dismissed  
5 without prejudice;
- 6 2. That the claims of any putative class member, class claims, and/or class allegations shall  
7 be dismissed without prejudice;
- 8 3. That Plaintiff's individual claims shall be dismissed with prejudice; and
- 9 4. All parties shall bear their own attorney's fees and costs.
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11 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

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14 DATED: August 10, 2018

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17 Troy L. Nunley  
18 United States District Judge  
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