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13 Attorneys for Defendant MOM365, INC.

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

16  
 17 KELLY HOOVER,  
 18 Plaintiff,  
 19 v.  
 20 MOM365, INC., a Missouri Corporation; and  
 DOES 1 to 100 inclusive,  
 21 Defendants.

Case No. 2:17-cv-01328-TLN-CKD

**STIPULATION AND ORDER TO  
 DISMISS PLAINTIFF'S EIGHT  
 THROUGH THIRTEENTH INDIVIDUAL  
 CAUSES OF ACTION**

Date Action Filed: May 19, 2017  
 FAC Filed: September 1, 2017

1 Plaintiff KELLY HOOVER and Defendant MOM365, INC., by and through their respective  
2 counsel of record, hereby agree to the following:

3 WHEREAS, Plaintiff initiated the above entitled action by filing a Complaint in the California  
4 Superior Court for the County of Sacramento on May 19, 2017, against Defendant that included  
5 individual and causes of action for discrimination, retaliation, and wrongful termination;

6 WHEREAS, the parties participated in mediation on January 16, 2018 and agreed to resolve  
7 Plaintiff's Eighth through Thirteenth individual causes of action;

8 WHEREAS, the parties' resolution of Plaintiff's Eighth through Thirteenth individual causes of  
9 action does not resolve Plaintiff's wage and hour claims (whether individual, class, or representative)  
10 asserted in the action;

11 WHEREAS, the parties agree that the resolution of her Eighth through Thirteenth Causes of  
12 Action does not impede or affect Plaintiff's right to pursue the putative class claims against Defendant in  
13 this action and to fulfill her duties as a putative class representative, including contacting putative class  
14 members, etc., for purposes of prosecuting this action; and

15 WHEREAS, the parties have agreed to Plaintiff dismissing the Eighth through Thirteenth  
16 individual causes of action with prejudice and with each side to bear their own fees and costs with  
17 respect to those claims.

18 NOW, THEREFORE, good cause having been shown, the parties stipulate to and agree to the  
19 following:

20 1. Plaintiff's Eighth through Thirteenth Causes of Action in her First Amended Complaint  
21 for Disability Discrimination in Violation of FEHA, Failure to Accommodate and Engage in the  
22 Interactive Process, Failure to Prevent Discrimination, Retaliation in Violation of FEHA, Violation of  
23 Labor Code § 233, and Wrongful Discharge in Violation of Public Policy will be dismissed with  
24 prejudice with each side to bear their own fees and costs as to these claims only.

1 **IT IS SO STIPULATED.**

2 DATED: February 23, 2018

Respectfully submitted,  
SHIMODA LAW CORP.

3  
4 By: /s/ Justin P. Rodriguez  
5 Galen T. Shimoda  
6 Justin P. Rodriguez  
7 Attorneys for Plaintiff

8 DATED: February 23, 2018

FORD & HARRISON LLP

9  
10 By: /s/ David L. Cheng  
11 David L. Cheng  
12 (as authorized 2/23/18)  
13 Alexandria Witte  
14 Attorneys for Defendant

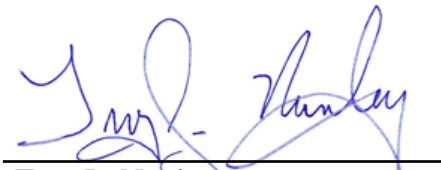
15 **ORDER**

16 Good cause appearing, the Court makes the following Order:

17 1. Plaintiff's Eighth through Thirteenth Causes of Action in her First Amended Complaint  
18 for Disability Discrimination in Violation of FEHA, Failure to Accommodate and Engage in the  
19 Interactive Process, Failure to Prevent Discrimination, Retaliation in Violation of FEHA, Violation of  
20 Labor Code § 233, and Wrongful Discharge in Violation of Public Policy will be dismissed with  
21 prejudice with each side to bear their own fees and costs as to these claims only.

22 IT IS SO ORDERED:

23 Dated: March 1, 2018

24   
25 \_\_\_\_\_  
26 Troy L. Nunley  
27 United States District Judge  
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