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13 Attorneys for Defendant Northern  
California InAlliance

14  
15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA

17 JOSEPH OSEGUEDA, individually  
18 and on behalf of all similarly  
situated and/or aggrieved  
19 employees of Defendants in the  
State of California,

20 Plaintiff,

21 v.

22 NORTHERN CALIFORNIA INALLIANCE;  
23 and DOES 1 THROUGH 50,  
24 inclusive,

25 Defendants.

Case No.: 2:18-cv-00835-WBS-EFB

**JOINT STIPULATION AND [PROPOSED]  
ORDER PERMITTING FILING OF FIRST  
AMENDED COMPLAINT**

Action Filed: February 22, 2018  
Case Removed: April 6, 2018  
Trial Date: None set

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1 TO THE COURT:

2 By and through their respective counsel of record, Plaintiff  
3 Joseph Osegueda ("Plaintiff") and Defendant Northern California  
4 InAlliance ("Defendant") (collectively, "the Parties") hereby jointly  
5 agree and stipulate to the following, and request that the Court make  
6 the following Order:

7 WHEREAS, on February 22, 2018, Plaintiff, on behalf of himself  
8 and others purportedly similarly situated, filed this individual,  
9 class action, PAGA representative action, and collective action  
10 against Defendant, alleging the following eleven causes of action:

11 (1) failure to provide meal periods; (2) failure to provide rest  
12 periods; (3) failure to pay minimum and regular wages; (4) failure to  
13 pay all overtime wages; (5) failure to provide required sick leave;  
14 (6) failure to indemnify necessary business expenses; (7) failure to  
15 provide accurate itemized wage statements and written notice of sick  
16 leave; (8) failure to timely pay all wages due upon separation of  
17 employment; (9) violation of Business & Professions Code section  
18 17200, *et seq.*; (10) violation of the Private Attorneys General Act;  
19 and (11) violation of the Fair Labor Standards Act;

20 WHEREAS, Plaintiff wishes to amend the Complaint to dismiss  
21 without prejudice the first, second, and fifth causes of action and  
22 allegations in support thereof;

23 WHEREAS, Defendant has reviewed Plaintiff's proposed First  
24 Amended Complaint and agrees, in the interests of efficiency, to  
25 stipulate to permit Plaintiff to file the First Amended Complaint  
26 without the need to file a motion for leave to amend;

27 WHEREAS, the Parties agree that, in entering into this  
28 Stipulation, Defendant does not waive its right to contest

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1 Plaintiff's First Amended Complaint in any way, nor does Defendant  
2 waive any defense permissible under the law;

3       THEREFORE, the Parties, by and through their counsel of record,  
4 hereby stipulate that Plaintiff should be granted leave to file a  
5 First Amended Complaint, in the form attached hereto as Exhibit 1. A  
6 redline version showing the changes is also attached as Exhibit 2.

7  
8 Dated: February 28, 2019

GRAHAM HOLLIS APC

9  
10 By: /s/Nicole R. Roysdon

11 GRAHAM S.P. HOLLIS  
12 VILMARIE CORDERO  
13 NICOLE R. ROYSDON  
Attorneys for Plaintiff Joseph  
Osegueda

14 Dated: February 28, 2019

Law Offices of MATHENY SEARS  
LINKERT & JAIME, LLP

15  
16 By: /s/Robert W. Sweetin (as authorized  
on 2/27/19)

17 MATTHEW C. JAIME  
18 ROBERT W. SWEETIN  
Attorneys for Defendant Northern  
19 California Inalliance  
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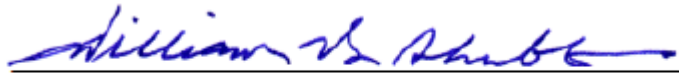
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ORDER

By stipulation of the parties, and good cause appearing, it is  
HEREBY ORDERED THAT: Plaintiff is granted leave to file a First  
Amended Complaint in the form attached hereto as Exhibit 1.  
Plaintiff shall file the First Amended Complaint within ten days of  
the date of this Order.

IT IS SO ORDERED.

Dated: March 1, 2019



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE