

TALIA L. DELANOY (239973)
Talia.Delanoy@leclairryan.com
 LECLAIRRYAN, LLC
 400 Capitol Mall, Suite 1500
 Sacramento, CA 95814
 Telephone: (916) 246-1140
 Facsimile: (916) 246-1155

SANDRA ISOM (157374)
scisom@fedex.com
 FEDEX FREIGHT
 1715 Aaron Brenner Drive, Suite 600
 Memphis, TN 38120
 Telephone: (901) 434-8526
 Facsimile: (901) 468-1726

Attorneys for Defendant
 FEDEX FREIGHT, INC.
 Erroneously sued as
 FEDEX FREIGHT WEST, INC.

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

BEATRIZ HERRERA,
 Plaintiff,

vs.

FEDEX FREIGHT WEST, INC., and DOES 1
 THROUGH 50, inclusive,
 Defendant.

Case No.: 2:18-CV-00892-JAM-DB

**STIPULATION RE DISMISSAL OF
 PAGA CLAIMS IN PLAINTIFF'S
 VERIFIED COMPLAINT**

Judge: **Hon. John A. Mendez**

Complaint filed: March 1, 2018
 Matter Removed: April 11, 2018

Plaintiff BEATRIZ HERRERA, ("Plaintiff") originally filed a Complaint in the Superior Court of California for the County of Sacramento, naming a sole defendant, FEDEX FREIGHT WEST INC. On April 11, 2018, Defendant FedEx Freight, Inc., removed Plaintiff's action to this Court. Thereafter, in accordance with this Court's standing order, the parties met and conferred regarding Defendant's position regarding certain claims in the Complaint (attached hereto as Exhibit "A") that were subject to dismissal.

WHEREAS, the Parties, by and through their counsel of record, hereby stipulate as follows:

1. Plaintiff dismisses, with prejudice, its claim for penalties or other damages which could be awarded pursuant to the Private Attorneys General Act (“PAGA”), both in her individual capacity and as a representative action;
2. Plaintiff dismisses with prejudice, the claims as outlined in the Complaint at Paragraphs 106, 107, 125 and 126;
3. Plaintiff agrees not to seek leave to amend the PAGA Notice and agrees not to submit a new PAGA Notice to the Labor Workforce Development Agency (LWDA) to add any claims or alleged Labor Code violations which may give rise to PAGA penalties;
4. Plaintiff agrees not to seek leave to amend the Complaint, or any subsequent amended complaint, to add any claims for PAGA penalties, whether in an individual and/or representative capacity; and
5. Plaintiff will not pursue any PAGA claims, whether in an individual or representative capacity, at the Trial of this matter.

IT IS SO STIPULATED.

DATED: April 17, 2018

Bohm Law Group, Inc.

By: /s/ Victoria L. Gutierrez

Victoria L. Gutierrez
Attorneys for Plaintiff
BEATRIZ HERRERA

DATED: April 17, 2018

LECLAIRRYAN, LLP

By: /s/ Talia L. Delanoy

SANDRA ISOM
TALIA L. DELANOY
Attorneys for Defendant
FEDEX FREIGHT, INC.
Erroneously sued as
FEDEX FREIGHT WEST, INC.

DATED: 4/18/2018

IT IS SO ORDERED:

/s/ John A. Mendez
HONORABLE JOHN A. MENDEZ