

1 SEYFARTH SHAW LLP
 Andrew M. Paley (SBN 149699) apaley@seyfarth.com
 2 Sheryl L. Skibbe (SBN 199441) sskibbe@seyfarth.com
 2029 Century Park East, Suite 3500
 3 Los Angeles, California 90067
 Telephone: (310) 277-7200
 4 Facsimile: (310) 201-5219

5 Andrew M. McNaught (SBN 209093) amcnaught@seyfarth.com
 Ashley E. Choren (SBN 260337) achoren@seyfarth.com
 6 560 Mission Street, Suite 3100
 San Francisco, California 94105
 7 Telephone: (415) 397-2823
 Facsimile: (415) 397-8549

8 Attorneys for Defendants
 9 H&R Block Enterprises LLC (fka H&R Block Enterprises, Inc.)

10 UNITED STATES DISTRICT COURT

11 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 ARABELLA LEMUS, an individual and on
 13 behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 H&R BLOCK TAX AND BUSINESS
 SERVICES, INC., a Delaware corporation;
 17 H&R BLOCK ENTERPRISES, INC., a
 Missouri corporation; H&R BLOCK TAX
 18 SERVICES, INC., a Missouri corporation;
 H&R BLOCK SERVICES, INC., a Missouri
 19 corporation; and DOES 1 through 50, inclusive,

20 Defendants.

) Case No. CV-09-03179 SI
)
) The Honorable Susan Illston

) **STIPULATED DISMISSAL OF**
) **PLAINTIFF’S THIRD CLAIM AND**
) **STRIKING OF PORTIONS OF THIRD**
) **AMENDED COMPLAINT;**
) **[PROPOSED] ORDER REGARDING**
) **SAME**

) Complaint Filed: June 9, 2009
) FAC Filed: July 8, 2009
) SAC Filed: October 8, 2009
) TAC Filed: June 3, 2010

22
 23 IT IS HEREBY STIPULATED BY THE PARTIES that Plaintiffs’ Third Claim for
 24 violations of Labor Code section 2802 is dismissed without prejudice, and that paragraph 2(f),
 25 paragraph 22, and paragraph 59, line 17, of Plaintiff’s Third Amended Complaint are stricken,
 26 also without prejudice.

1 **NOW, THEREFORE, THE PARTIES HERETO STIPULATE AND**
2 **RESPECTFULLY REQUEST THAT THE COURT ORDER AS FOLLOWS:**

3 Pursuant to the Parties' stipulation, Plaintiffs' Third Claim is hereby **DISMISSED**
4 without prejudice. Further, paragraph 22, and paragraph 59, line 17, of Plaintiff's Third
5 Amended Complaint are **STRICKEN** without prejudice.

6
7 DATED: August 4, 2010

SEYFARTH SHAW LLP

8
9 By: /s/ Andrew M. McNaught
Andrew M. McNaught

10 Attorneys for Defendant

11 H&R BLOCK ENTERPRISES LLC

12
13 DATED: August 4, 2010

MARLIN & SALTZMAN

14
15 By: /s/ Louis Marlin
Louis Marlin
16 Attorneys for Plaintiffs

17 ARABELLA LEMUS
18 MALVIN A. AYALA

19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21
22
23 Dated: _____



24 _____
HONORABLE SUSAN ILLSTON
25 UNITED STATES DISTRICT COURT JUDGE
26
27
28