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 15 CKE Restaurants, Inc.

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 17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

19 VICENTE HERNANDEZ, FRANCISCO
 BARAJAS, and RODRIGO SANCHEZ on
 20 behalf of themselves and all others similarly
 situated,

21 Plaintiff,

22 vs.

23
 24 BF OPERATIONS HOLDINGS, LLC, a
 California Corporation, FRESH
 25 ENTERPRISES, LLC, a California Corporation,
 CKE RESTAURANTS, INC., a Delaware
 26 Corporation, BAJA FRESH MEXICAN GRILL
 [FORM UNKNOWN] and DOES 1 through 50,
 27 inclusive,

28 Defendant.

Case No. 3:11-CV-01147CRB

**STIPULATED DISMISSAL OF
 DEFENDANT CKE RESTAURANTS, INC.
 ONLY AND PROPOSED ORDER**

[FED. R. CIV. P. 41]

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiffs VICENTE HERNANDEZ, FRANCISCO BARAJAS, and RODRIGO SANCHEZ (“Plaintiffs”) and Defendants BF OPERATIONS HOLDINGS, LLC, FRESH ENTERPRISES, LLC, and CKE RESTAURANTS, INC., (“Defendants”) by and through their respective attorneys of record, hereby stipulate as follows:

1. Plaintiffs filed this putative class action on or about November 23, 2010, alleging wage and hour violations against Defendants. This action was initially filed in Alameda County Superior Court;
2. On March 9, 2011, Defendants removed this putative class action to Federal Court;
3. Defendant CKE Restaurants, Inc. (“CKE”) alleges that it does not have nor did it ever have any form of employer/employee relationship with the Plaintiffs and/or the putative class members. As such, CKE cannot be held liable for any of the allegations contained in Plaintiffs’ putative class action complaint. (Dkt. 1, Ex.1)
4. The Plaintiffs do not believe it is in the interest of the class to litigate this issue.
5. The Plaintiffs hereby request that CKE *only* be dismissed from this action with prejudice; and
6. The Plaintiffs and CKE agree to waive fees and costs as to CKE only.

Dated: May 12, 2010

MALLISON & MARTINEZ

/s/ Marco A. Palau

Marco A. Palau

Attorneys for Plaintiffs Vicente Hernandez, Francisco Barajas and Rodrigo Sanchez

Dated: May 12, 2010

ROGERS JOSEPH O’DONNELL

/s/ Charlie Y. Chou

Charlie Y. Chou

Attorneys for Defendants BF Operations Holdings, LLC; Fresh Enterprises, LLC and CKE Restaurants, Inc.

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~~PROPOSED~~ ORDER

THE PARTIES HAVING SO STIPULATED, IT IS HEREBY ORDERED that CKE Restaurants Inc. is dismissed from this case with prejudice.

IT IS SO ORDERED.

Dated: 5/17/2011

U.S. DISTRICT JUDGE CHARLES R. BREYER

