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21 Attorneys for Defendant
 22 ARAMARK UNIFORM & CAREER
 23 APPAREL, LLC

24 UNITED STATES DISTRICT COURT

25 NORTHERN DISTRICT OF CALIFORNIA

26 ROBERT SANTIAGO, on behalf of
 27 himself and all others similarly situated,
 28 and on behalf of the general public,

Plaintiffs,

v.

ARAMARK UNIFORM AND CAREER
 APPAREL, LLC, and DOES 1 through 10,
 inclusive,

Defendants.

Case No. CV 12-4462 JSW

**JOINT STIPULATION OF DISMISSAL
 AND ~~PROPOSED~~ ORDER**

FRCP Rule 41(a)(1)(A)(ii)

Complaint Filed: July 20, 2012

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff ROBERT
2 SANTIAGO (“Plaintiff”) and Defendant ARAMARK UNIFORM & CAREER APPAREL, LLC
3 (“Defendant” or “AUCA”), by and through their respective undersigned counsel, hereby submit
4 this Joint Stipulation of Dismissal and [Proposed] Order, and stipulate and agree as follows:

5 WHEREAS, Santiago was employed by Defendant AUCA.

6 WHEREAS, on July 20, 2012, Santiago filed an alleged putative class action complaint
7 against Defendant. Santiago asserted claims against Defendant for alleged failure to pay
8 overtime, failed to pay all wages earned, failure to provide accurate itemized wage statements,
9 failure to provide meal periods, failure to authorize and permit rest breaks, failure to pay all
10 wages timely upon termination, and violation of the California Unfair Competition Law. In
11 addition to his individual claims, Santiago sought to maintain such claims on a class action and
12 sought to recover attorneys’ fees and costs.

13 WHEREAS, Santiago has agree to dismiss this entire civil lawsuit, with prejudice as to his
14 individual claims and without prejudice as to the alleged putative class action claims.

15 WHEREAS, Santiago has not moved for class certification, and a class has not been
16 certified by the Court. The Parties’ stipulated dismissal of this action does not resolve the claims,
17 issues, or defenses of any putative or certified class. Under Rule 23(e) of the Federal Rules of
18 Civil Procedure, where a class has not been certified, Court approval is not required for dismissal.
19 Fed. R. Civ. P. 23(e) (court approval only required for dismissal of “the claims, issues, or
20 defenses of a *certified* class”) (emphasis added); *see also Advisory Committee Notes on 2003*
21 *Amendments to Rule 23, Subdivision (e), Paragraph (1)* (“The new rule requires [court] approval
22 only if the claims, issues or defenses of a *certified* class are resolved by . . . voluntary dismissal.”)
23 (emphasis added).

24 WHEREAS, the Parties are not aware of any member of the alleged putative class who, in
25 reliance upon this action or otherwise, has refrained from bringing a claim identical or similar to
26 any of the claims in this action or who might be prejudiced by dismissal of this action by the
27 Court.

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1 For the reasons set forth above and pursuant to the Federal Rules of Civil Procedure,
2 Rule 41(a)(1)(A)(ii), the Parties hereby jointly Stipulate to the dismissal with prejudice of
3 Santiago's individual claims and the dismissal without prejudice of the alleged class action claims
4 and request that the Court terminate all proceedings in this action.

5 The Parties shall bear their own costs and fees associated with this action and the
6 dismissal.

7 IT IS SO STIPULATED

8
9 Dated: January 24, 2013

KELLER GROVER LLP

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By: /s/Jade Butman
Jade Butman
Attorneys for Plaintiff
ROBERT SANTIAGO

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14 Dated: January 24, 2013

MORGAN, LEWIS & BOCKIUS LLP

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By: /s/Eric Meckley
Eric Meckley
Attorneys for Defendant
ARAMARK UNIFORM & CAREER
APPAREL, LLC

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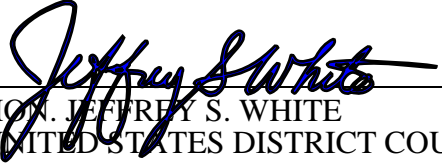
~~PROPOSED~~ ORDER

This action is dismissed in its entirety pursuant to Rule 41(a)(1)(A)(ii). Plaintiff Santiago’s individual claims are dismissed with prejudice, and the claims of the putative class members are dismissed without prejudice. Santiago has not moved for class certification, a class has not been certified by the Court, and this dismissal does not resolve the claims, issues, or defenses of any putative or certified class. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, where a class has not been certified, Court approval is not required for dismissal. Fed. R. Civ. P. 23(e); *see also Advisory Committee Notes on 2003 Amendments to Rule 23, Subdivision (e), Paragraph (1)*. The Court hereby terminates all proceedings in this action.

The Parties shall bear their own costs and fees associated with this action and the dismissal.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 24, 2013 _____



HON. JEFFREY S. WHITE
UNITED STATES DISTRICT COURT