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15 Attorneys for Defendant
 16 VECTOR MARKETING CORPORATION

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 WILLIAM WOODS (CA), DOMINIC SEALE
 (FL), WESLEY VARUGHESE (IL), ERIC
 20 ESSLER (MI), KRISTINA WILLS (MN),
 CASEY MCCALED (MO), SAMUEL BARONE-
 21 CROWELL (NY), LOWELL HARVARD JR.
 (NY), ALTWELL WINFIELD (NY), TIFFANY
 22 REINHART (OH), individually and on behalf of
 all other similarly situated individuals,

23 Plaintiffs,

24 v.

25 VECTOR MARKETING CORPORATION and
 26 DOES 1 through 20, inclusive,

27 Defendants.
 28

Case No. 14-CV-00264-EMC

**STIPULATION AND
 [PROPOSED] ORDER
 DISMISSING FIFTH CAUSE OF
 ACTION WITH PREJUDICE**

1 This Stipulation is entered into by and between Plaintiffs William Woods, Dominic Seale,
2 Wesley Varughese, Eric Essler, Casey McCaleb and Samuel Barone-Crowell, on one hand, and
3 Defendant Vector Marketing Corporation, on the other hand, with reference to the following
4 facts:

5 A. Plaintiff William Woods purports to aver a claim for violations of the California
6 Private Attorneys General Act of 2004, Cal. Lab. Code § 2698 et seq. (“PAGA”) in the Fifth Cause
7 of Action contained in the Complaint (ECF No. 1) in the above-captioned action;

8 B. An aggrieved employee wishing to bring a civil action under PAGA must satisfy
9 PAGA’s administrative exhaustion requirements and commence the action within one year of the
10 accrual of the claim. *See* Cal. Code Civ. Proc. § 340(a) (one-year limitations period for action
11 upon statute for penalty); *Ramirez v. Ghilotti Bros. Inc.*, 941 F. Supp. 1197, 1209 (N.D. Cal.
12 2013) (section 340(a)’s one-year statute of limitations applies to PAGA claims); *Soto v.*
13 *Castlerock Farming & Transp. Inc.*, No. CIV-F-09-0701 AWI JLT, 2012 WL 1292519, at *5
14 (E.D. Cal. Apr. 16, 2012) (interplay of statute of limitations with PAGA’s administrative
15 exhaustion requirements requires that written notice be given to LWDA within one year); *Moreno*
16 *v. Autozone*, No. C05-04432 MJJ, 2007 WL 1650942, at *4 (N.D. Cal. June 5, 2007) (PAGA
17 claim accrues at time of alleged violation);

18 C. The Fifth Cause of Action avers that Plaintiff Woods attended “some or all of the
19 3-5 day initial training session conducted by Defendants in California in or around summer of
20 2011.” (Compl., ¶ 11.) The Fifth Cause of Action further avers that Plaintiff Woods only
21 provided written notice to the LWDA when he sent a “letter postmarked October 11, 2013.”
22 (Compl., ¶ 99.) Given these averments and the fact the Complaint was not filed until January 16,
23 2014 (ECF No. 1), the Fifth Cause of Action is barred for failure to satisfy PAGA’s
24 administrative prerequisites and also as untimely; and

25 D. In light of the foregoing, Defendant requested that the Fifth Cause of Action be
26 dismissed and Plaintiffs agreed to do so.

1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and
2 Defendant, through their respective counsel, that the Fifth Cause of Action shall be dismissed
3 with prejudice.

4 Dated: July 7, 2015

Dated: July 7, 2015

5 MARLIN & SALTZMAN LLP
6 DIVERSITY LAW GROUP, PC

MORRISON & FOERSTER LLP
PHILLIPS LYTTLE LLP

7
8 By: /s/ Christina A. Humphrey
Christina A. Humphrey

By: /s/ Karen J. Kubin
Karen J. Kubin

9 Attorneys for Plaintiffs

Attorneys for Defendant
VECTOR MARKETING CORPORATION

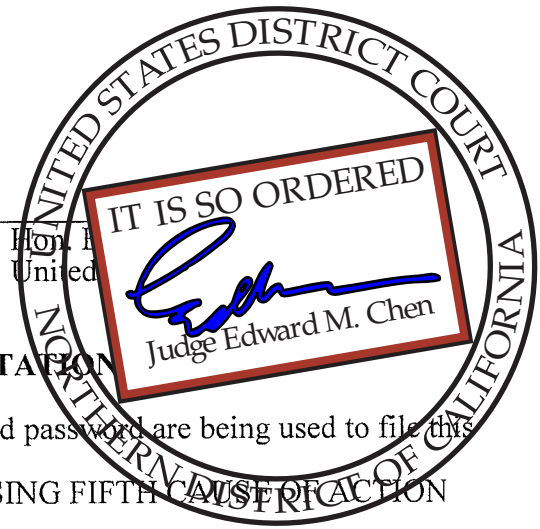
11 [Proposed] ORDER

12 The Court having considered the foregoing Stipulation, good cause appearing, it is hereby
13 ordered that the Fifth Cause of Action averred in the Complaint in the above-captioned action
14 shall be and is dismissed with prejudice.

15 SO ORDERED.

16 7/7/15

17 Dated: _____



19 SIGNATURE ATTESTATION

20 I, Karen J. Kubin, am the ECF User whose ID and password are being used to file this
21 STIPULATION AND [PROPOSED] ORDER DISMISSING FIFTH CAUSE OF ACTION
22 WITH PREJUDICE. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that
23 Christina A. Humphrey has concurred in this filing.

24
25 _____ /s/ Karen J. Kubin
26 Karen J. Kubin