

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**JOSE MANUEL RETANA**, individually and  
on behalf of other persons similarly situated,

Plaintiff,

vs.

**UNITED LOGISTIC SOLUTIONS, INC.,**  
and **DOES 1-50**,

Defendants.

Case No. 3:14-cv-3210-JSC

CLASS ACTION

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S REQUEST FOR  
VOLUNTARY DISMISSAL**

**[PROPOSED] ORDER**

~~PROPOSED~~ ORDER

WHEREAS, the parties have reached an out-of-court individual settlement in the above referenced class action.

WHEREAS, Defendant solicited opt-out agreements from putative class members;

WHEREAS, the agreements solicited contain non-cooperation agreements;

WHEREAS, the agreements solicited contain arbitration agreements that impliedly contain class action bars;

WHEREAS, Plaintiff’s claims for penalties pursuant to the California Private Attorney General Action (Labor Code § 2698 *et seq.* “PAGA”) are untimely, as Plaintiff lacks standing to pursue such claims given the fact that Plaintiff left his employment with Defendant more than 1 year prior to sending a certified letter to the California Labor and Workforce Development Agency;

WHEREAS, Plaintiff now believes successful prosecution of a class action would be unlikely; and

WHEREAS, Plaintiff has filed a Request for Voluntary Dismissal.

THEREFORE, the Court orders as follows:

1. The class action allegations are dismissed without prejudice as to any other member of the putative class seeking certification;
2. Plaintiff’s individual claims are dismissed with prejudice; and
3. Plaintiff’s claim pursuant to Labor Code § 2698 *et seq.* (“PAGA”) is dismissed with prejudice.

IT IS SO ORDERED.

DATED: November 13, 2014

