

1 CARY KLETTER
 2 SALLY TRUNG NGUYEN
 3 KLETTER + NGUYEN LAW LLP
 4 1900 S. Norfolk Street, Suite 350
 5 San Mateo, CA 94403
 6 T: 415.434.3400
 7 E: ckletter@kletterlaw.com
 8 E: snguyen@kletterlaw.com

9 Attorneys for PLAINTIFF
 10 RONIS SAGASTUME

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

13 RONIS SAGASTUME,
 14
 15 Plaintiff,

Civ. Case No. 15-CV-04350-VC

REQUEST FOR DISMISSAL

16 v.

17 DEL MONTE FRESH PRODUCE (WEST
 18 COAST), INC.; DEL MONTE FRESH
 19 PRODUCE, N.A., INC.; TRICONT
 20 TRUCKING COMPANY; and DOES 1
 21 THROUGH 20, inclusive,

22 Defendants.

23 Plaintiff Ronis Sagastume (“Plaintiff”) respectfully requests this Court dismiss the
 24 above-captioned action, with each side to bear his/its own fees and costs, pursuant to the
 25 Federal Rules of Civil Procedure (“FRCP”) Rule 41(a)(2). Plaintiff’s First, Second, Third,
 26 Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Fourteenth and Fifteenth
 27 causes of action in the Second Amended Complaint shall be dismissed *with prejudice* as to all
 28 parties. Plaintiff’s Thirteenth cause of action alleging violation of the Labor Code Private

1 Attorneys General Act of 2004 (“PAGA”) shall be dismissed *with prejudice* as to Plaintiff on
2 his own behalf, and *without prejudice* as to the claim brought on behalf of others.

3
4 Dated: July 26, 2016

KLETTER + NGUYEN LAW LLP

5
6 By: _____/s/_____

7 Cary Kletter
8 Sally Trung Nguyen
9 Attorneys for PLAINTIFF
10 MIRIAM ANDRADE

11 **PROPOSED ORDER**

12 Based upon Plaintiff’s request for dismissal with prejudice of the above-captioned
13 action, IT IS HEREBY ORDERED AS FOLLOWS:

- 14 1. Pursuant to FRCP 41(a)(2), this action is dismissed as to all parties *with prejudice* as to
15 the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh,
16 Twelfth, Fourteenth and Fifteenth causes of action in the Second Amended Complaint;
- 17 2. Pursuant to FRCP 41(a)(2), this action is dismissed *without prejudice* as to the
18 Thirteenth cause of action alleging PAGA violations as to others and *with prejudice* as
19 to Plaintiff individually;
- 20 3. Each of the parties is to bear his/its own attorney’s fees and costs; and
- 21 4. The Court retains jurisdiction over the parties to enforce the terms of any Settlement
22 Agreement.

23
24 **IT IS SO ORDERED.**

25 Dated: July 28, 2016

26 
27 _____
28 HONORABLE VINCE CHHABRIA
UNITED STATES DISTRICT COURT JUDGE