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7 Attorneys for Defendants
 UBER TECHNOLOGIES, INC. and
 8 RASIER-CA, LLC

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 KIMBERLY BERGER, on behalf of
 13 herself and all others similarly situated,,

14 Plaintiff,

15 v.

16 UBER TECHNOLOGIES, INC., a
 Delaware corporation, RASIER-CA, LLC,
 17 a Delaware Limited Liability Company,
 and DOES 1 through 10, inclusive,,
 18

19 Defendants.

Case No. 3:16-cv-00041 MEJ

**STIPULATION OF DISMISSAL OF
 ACTION WITH PREJUDICE AS TO
 PLAINTIFF KIMBERLY BERGER AND
 WITHOUT PREJUDICE AS TO
 PUTATIVE CLASS CLAIMS;
 [PROPOSED] ORDER**

Judge: Maria-Elena James
 Dept: Courtroom B, 5th Floor

Complaint Filed: January 5, 2016
 FAC Filed: February 2, 2016
 Trial Date: None set

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), it is hereby stipulated and agreed by
2 Plaintiff and Defendants herein that this action shall be dismissed on the following terms: (1)
3 Plaintiff Kimberly Berger’s individual claims (including her individual claims under the Private
4 Attorney General Act (“PAGA”)) against all Defendants named in Plaintiff’s Class Action
5 Complaint (ECF 1) and any and all amendments, including the First Amended Complaint (ECF 6)
6 (“Complaint”) are hereby dismissed with prejudice, (2) the claims asserted by Plaintiff Berger on
7 behalf of the members of the putative class alleged in the Complaint are hereby dismissed without
8 prejudice, (3) in exchange for a waiver of costs, the claims asserted by Plaintiff Berger under the
9 PAGA (a) on behalf of herself are dismissed with prejudice and (b) on behalf of the members of the
10 putative representative group are hereby dismissed without prejudice, and (4) except as otherwise
11 provided above, the parties shall bear their own attorneys’ fees, costs, expenses and disbursements
12 incurred in this action.

13 Dated: March 20, 2017

14 /s/ Andrew M. Spurchise
15 ANDREW M. SPURCHISE
16 LITTLER MENDELSON, P.C.
17 Attorneys for Defendants
18 UBER TECHNOLOGIES, INC. and
19 RASIER-CA, LLC

20 Dated March 20, 2017

21 /s/ Amy T. Wootton
22 AMY T. WOOTTON
23 HAMNER LAW OFFICES, APC
24 Attorneys for Plaintiff
25 KIMBERLY BERGER

26 **Attestation**

27 Pursuant to Northern District L.R. 5-1(i)(3) regarding signatures, I hereby attest that
28 concurrence in the filing of this document has been obtained from each of the other signatories. I
declare under penalty of perjury under the laws of the United States of America that the foregoing is
true and correct.

/s/ Andrew M. Spurchise

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~~PROPOSED~~ ORDER

IT IS SO ORDERED that, pursuant to the Parties stipulation, (1) Plaintiff Kimberly Berger’s individual claims (including her individual claims under the Private Attorney General Act (“PAGA”)) against all Defendants named in Plaintiff’s Class Action Complaint (ECF 1) and any and all amendments, including the First Amended Complaint (ECF 6) (“Complaint”) are hereby dismissed with prejudice, (2) the claims asserted by Plaintiff Berger on behalf of the members of the putative class alleged in the Complaint are hereby dismissed without prejudice, (3) in exchange for a waiver of costs, the claims asserted by Plaintiff Berger under the PAGA (a) on behalf of herself are dismissed with prejudice and (b) on behalf of the members of the putative representative group are hereby dismissed without prejudice, and (4) except as otherwise provided above, the parties shall bear their own attorneys’ fees, costs, expenses and disbursements incurred in this action.

Dated: April 5, 2017

HON. MARIA-ELENA JAMES
MAGISTRATE JUDGE

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