

Alejandro P. Gutierrez, SBN 107688
**HATHAWAY, PERRETT, WEBSTER, POWERS,
CHRISMAN & GUTIERREZ, APC**
200 Hathaway Building
5450 Telegraph Road, Suite 200
Post Office Box 3577
Ventura, CA 93006-3577
Telephone: (805) 644-7111
Facsimile: (805) 644-8296
E-mail: agutierrez@hathawaylawfirm.com

Daniel J. Palay, SBN 159348
Brian D. Hefelfinger, SBN 253054
PALAY HEFELFINGER, APC
1484 E. Main Street
Suite 105-B
Ventura, CA 93001
Telephone: (805) 628-8220
Facsimile: (805) 765-8600
E-mail: djp@calemploymentcounsel.com

Attorneys for Plaintiff JESSICA DURAN and the Putative Class

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

JESSICA DURAN, an individual, for herself
and those similarly situated; ROES 1 through
30,000; and the Putative Class,

Plaintiffs,

vs.

SEPHORA USA, INC., a Delaware
Corporation; and DOES 1 through 100,
inclusive,

Defendants.

) CASE NO: 3:17-cv-01261-WHO
) Action filed: 3/9/2017
) Assigned to: Judge William H. Orrick

) CLASS ACTION

) **STIPULATION OF DISMISSAL AND
ORDER**

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1 WHEREAS, Plaintiff filed this action on March 9, 2017 on behalf of a purported class
2 of all employees of Sephora, asserting claims under California law, including a claim for
3 unpaid wages based on the theory that Sephora does not properly compute overtime on certain
4 non-discretionary bonuses; a related wage statement claim under Labor Code section 226, a
5 claim under Labor Code § 212 concerning Sephora’s provision of pay cards to employees
6 under certain circumstances, and derivative claims under California’s Unfair Competition
7 Law. (ECF Dkt. No. 1);

8 WHEREAS, on March 31, 2017, Plaintiff filed her First Amended Complaint to correct
9 a minor date error in the class definition (Dkt. No. 15) and on May 16, 2017, after having
10 complied with all procedural requirements of PAGA by giving notice to the California Labor
11 and Workforce Development Agency, Plaintiff filed her Second Amended Complaint, which
12 added a cause of action for civil penalties under the Labor Code Private Attorney’s General
13 Act. (Dkt. No. 22);

14 WHEREAS, on April 14, 2017, Defendant Sephora USA, Inc. duly answered Plaintiff’s
15 First Amended Complaint. (Dkt. No. 19);

16 WHEREAS, on June 23, 2017, Defendant Sephora USA, Inc. moved to dismiss
17 Duran’s Second Amended Complaint under Rule 12(b)(1), asserting that the Court lacks
18 jurisdiction to hear Duran’s class claims under CAFA. (Dkt. No. 32);

19 WHEREAS, in response, Duran filed a motion for leave to amend seeking to add FLSA
20 claims to her complaint. (Dkt. No. 35);

21 WHEREAS, on August 11, 2017, the Court granted Plaintiff’s motion for leave to file a
22 third amended complaint. (Dkt. No. 42);

23 WHEREAS, in its Order, the Court instructed the parties to submit additional briefing
24 on the issue of supplemental jurisdiction over Plaintiff’s state law claims;

25 WHEREAS, on August 24, 2017, Plaintiff filed her Third Amended Complaint. (Dkt.
26 No. 45);

27 WHEREAS, Defendant Sephora USA, Inc. duly answered Plaintiff’s Third Amended
28 Complaint on September 7, 2017. (Dkt. No. 47);

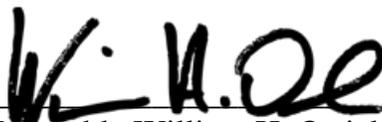
1 ORDER

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3 The Court, having considered the stipulation of the parties, and good cause appearing
4 therefor, orders as follows:

- 5
6 1. The action is dismissed without prejudice as against Defendant Sephora USA, Inc.
7 pursuant to FRCP 41(a)(1);
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9 2. Each party shall bear their own costs and attorney's fees.

10 IT IS SO ORDERED.

11 Dated: November 30, 2017

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13 _____
14 Honorable William H. Orrick
15 United States District Judge
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