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9 Attorneys for Plaintiff
 LUIS A. DE LAROSA

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 LUIS A. DE LAROSA, individually
 and on behalf of other persons
 13 similarly situated,

14 Plaintiffs,

15 vs.

16 THE COCA COLA COMPANY; and
 DOES 1 through 10.

17 Defendants.
 18
 19

Case No. 3:17-CV-02603-EMC

CLASS ACTION

**STIPULATION RE DISMISSAL
 WITHOUT PREJUDICE AND
 19 ~~PROPOSED~~ ORDER THEREON**

20 Plaintiff Luis A. De Larosa (“Plaintiff”) and defendant The Coca Cola Company,
 21 dba Coca-Cola North America (“Defendant”), hereby enter into the following
 22 stipulation and request the Court to enter an order in accordance herewith.

23 **STIPULATION**

- 24 1. Plaintiff commenced this putative class action on April 3, 2017, in the
 Superior Court for County of Napa.
 25
 26 2. On May 5, 2017, Defendant timely removed the action to this Court on the
 27 basis of subject matter jurisdiction under the Class Action Fairness Act (“CAFA”).
 28 3. Plaintiff intends to amend the complaint to add a cause of action for civil

1 penalties under the Private Attorney General Act. Plaintiff's intended PAGA cause of
2 action is not a "class action" under CAFA.

3 4. Given the anticipated amendment by Plaintiff to add a PAGA cause of
4 action, and for other procedural reasons, Defendant has agreed that the claims may be
5 properly litigated in state court.

6 5. So that Plaintiff may proceed to litigate his original and PAGA claims in
7 state court, the parties mutually request that the Court dismiss this action without
8 prejudice, with each party to bear its own respective costs and fees, with the statute of
9 limitations on Plaintiffs' claims to be tolled such that Plaintiff may file a new complaint
10 in state court without any change to the alleged liability period for Plaintiff's claims
11 based on the April 3, 2017, filing date of Plaintiff's original complaint.

12 Dated: July 13, 2017

KARASIK LAW FIRM
DAVTYAN PROFESSIONAL LAW CORPORATION

13
14 By */s/ Gregory N. Karasik*
Gregory N. Karasik
Attorneys for Plaintiff

15
16
17 Dated: July 13, 2017

LITTLER MENDELSON, P.C.

18
19 By */s/ Maria R. Harrington*
Maria R. Harrington
Attorneys for Defendant

20
21 **ORDER**

22 Good cause having been shown, the Court hereby orders that this action is
23 dismissed without prejudice, with each party to bear its own respective costs and fees,
24 with the statute of limitations on Plaintiffs' claims to be tolled such that Plaintiff may
25 file a new complaint in state court without any change to the alleged liability period for
26 Plaintiff's claims based on the April 3, 2017, filing date of Plaintiff's original complaint.

27
28 Dated: July 18, 2017

United States Court Judge

