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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14
 15 **MAY MOUA, individually and on behalf of
 other former and current employees, and
 16 for the interest of the general public,**

17 **Plaintiffs,**

18 **v.**

19 **INTERNATIONAL BUSINESS
 MACHINES CORPORATION, a
 20 California Business Entity, form unknown,
 JOSEPH KOENIG, an Individual,
 21 VENKATASUBRAMANIAM IYER, an
 Individual, and DOES 1-199,**

22 **Defendants.**

Case No. C 10-01070 EJD

**STIPULATION AND ~~PROPOSED~~
 ORDER DISMISSING WITH
 PREJUDICE PLAINTIFF’S CLAIMS
 ON BEHALF OF PAGA MEMBER
 LINDA BENSON**

23
 24 WHEREAS, Plaintiff May Moua (“Moua”) asserts non-class representative claims under
 25 California’s Private Attorneys General Act (“PAGA”) on behalf of a number of individuals
 26 identified in the Second Amended Complaint and attached Exhibits, including Linda Benson;
 27

1 WHEREAS, the time frame relevant to Plaintiff's PAGA claims is December 9, 2008 to
2 present;

3 WHEREAS, in November 2012, Defendants informed Plaintiff that Ms. Benson went on
4 leave prior to December 9, 2008 and remained on leave up through the date her employment with
5 Defendant International Business Machines Corporation terminated;

6 WHEREAS, Plaintiff's counsel confirmed through direct discussions with Ms. Benson
7 that she was on leave and/or not employed by IBM during the relevant time period;

8 WHEREAS, based upon the foregoing, Plaintiff has decided not to pursue claims on
9 behalf of Linda Benson;

10 NOW, THEREFORE, Moua and Defendants stipulate as follows:

11 1. Moua's claims on behalf of Linda Benson are hereby dismissed with prejudice
12 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The parties shall bear their own costs
13 and attorneys' fees associated with Moua's pursuit of claims on behalf of Linda Benson.

14 2. The parties agree that Ms. Benson is not a party in this matter and does not join in
15 this stipulation.

16
17 Dated: March 27, 2013

Dated: March 27, 2013

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19 By: /s/Matthew Lampe
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24 PURSUANT TO STIPULATION, IT IS
SO ORDERED:

25 Date: 3/28/2013

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27 
28 EDWARD DAVILA
UNITED STATES DISTRICT JUDGE