

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-Filed: December 9, 2014

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHUN HUA JIANG,

No. C14-04253 HRL

Plaintiff,

ORDER DISMISSING ACTION WITH PREJUDICE

v.

GUAN DONG HOUSE, INC.; et al.,

ORDER DENYING AS MOOT MELINA MENGQIU ZHANG’S MOTION TO DISMISS

Defendants.

ORDER DENYING AS MOOT GUAN DONG HOUSE, INC., GANG YANG, AND WEINA TIAN’S MOTION TO DISMISS

[Re: Docket Nos. 8, 15]

Chun Hua Jiang sues Guan Dong House, Inc., Gang Yang, Weina Tian, and Melinda Mengqiu Zhang for failure to pay minimum wage, failure to pay overtime compensation, fraudulent transfer, illegal immigration practices, conspiracy, and related claims. Guan Dong House, Inc., Gang Yang, and Weina Tian move to dismiss the claims asserted against them. Dkt. No. 15. In addition, Zhang moves to dismiss the claim brought against her. Dkt. No. 8. All parties have expressly consented to having all matters proceed before a magistrate judge.

On October 16, 2014, Plaintiff filed a letter on the docket that stated: “I have decided to withdraw from the lawsuit against my former employer. I have told my lawyer X Young Lai . . . to drop the lawsuit, but I wasn’t able to reach my lawyer.” Dkt. No. 11. Plaintiff requested that the Court “[w]ithdraw and drop my lawsuit against GuanDong House Inc and its associates” and

United States District Court
For the Northern District of California

1 “cancel my represent lawyer X Young.” *Id.* Plaintiff’s attorney, X. Young Lai, has filed a
2 declaration stating that he believes the letter is forged. Dkt. No. 18-1.

3 A hearing was held on December 9, 2014. Through a Court-certified interpreter, Plaintiff
4 testified that Defendants paid him \$15,000 in July or August, 2014. Plaintiff retained Attorney Lai
5 and brought suit against Defendants after receiving this money. Plaintiff testified that he would like
6 to dismiss this action against all Defendants.

7 Attorney Lai is relieved from the representation of Plaintiff. This action is dismissed with
8 prejudice. This dismissal is without prejudice as to any rights Attorney Lai may have against
9 Plaintiff for attorney’s fees. Guan Dong House, Yang, and Tian’s motion to dismiss and Zhang’s
10 motion to dismiss are denied as moot.

11 **IT IS SO ORDERED.**

12 Dated: December 9, 2014



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **C14-04253 HRL Notice will be electronically mailed to:**

2 Michael David Lee Michael.Lee@Lee-Li.com

3 Xiaoyong X L Lai gagelegal@gmail.com

4 **C14-04253 HRL Notice will be mailed to:**

5 Melinda Mengqiu Zhang

1046 West Taylor Street

6 Suite 208

San Jose, CA 95126

7

8 **Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.**

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28