

1 TOMAS E. MARGAIN, Bar No. 193555
 2 Justice at Work Law Group, LLP
 84 West Santa Clara Street, Suite 790
 3 San Jose, CA 95113
 Telephone: (408) 317-1100
 4 Facsimile: (408) 351-0105
 Tomas@JAWLawGroup.com

5 ALEXANDER S. RUSNAK, Bar No. 300054
 RUSNAK LAW OFFICE
 6 84 West Santa Clara Street, Suite 790
 San Jose, CA 95113
 7 Telephone: (408) 780-9835
 Facsimile: (408) 351-0114
 8 Arusnak@rusnaklawoffice.com

9 Attorneys for Plaintiff OSWALDO CRUZ

10 BRIAN H. SONG, ESQ. (SBN188662)
 11 Briansong@SongLeeLaw.com
 SONG & LEE, LLP
 12 4633 Old Ironsides Dr., Ste. 260
 Santa Clara, CA 95054
 13 TEL: (408)748-3308;
 FAX: (408)748-3309
 14 Attorney for Built-In C&C, Inc., Niviya, Inc.,
 15 Hyung Ki Han, (aka Young K. Han), Mina Han (aka Mi Ok Han)

16 UNITED STATES
 UNITED STATES DISTRICT COURT
 17 FOR THE
 NORTHERN DISTRICT OF CALIFORNIA

19 JOSE OSWALDO MORALES;

20 Plaintiff,

21 v.

22 BUILT-IN C & C, INC.; NIVIYA,
 23 INC., HYUNG KI HAN aka YOUNG
 K HAN, MINA HAN aka MI OK
 24 HAN

25 Defendants.

Case No.: 5:17-cv-07262 NC

**STIPULATION FOR DISMISSAL
 WITHOUT PREJUDICE;
 DECLARATION OF TOMAS E.
 MARGAIN**

1 Plaintiff JOSE OSWALDO MORALES and Defendants BUILT-IN C & C, INC.;;
2 NIVIYA, INC., HYUNG KI HAN aka YOUNG K HAN, MINA HAN aka MI OK HAN hereby
3 stipulate and agree as follows:
4

5 WHEREAS Plaintiff wants to dismiss his lawsuit against Defendants without prejudice;

6 WHEREAS Defendants have no objection to the dismissal;

7 WHEREAS the dismissal will not waive any rights of Defendants based on the
8 consequences of the dismissal;

9 WHEREAS the parties desire that Court dismiss Plaintiff's complaint in the matter.

10 IT IS SO STIPULATED

11 Dated: March 16, 2018

//s// Tomas E. Margain

12 _____
13 TOMAS MARGAIN
14 Attorney for Plaintiff JOSE OSWALDO
15 MORALES

16 Dated: March 16, 2018

17 By: ____/s/ Brian H. Song _____
18 BRIAN H. SONG
19 Attorney for Built-In C&C, Inc., Niviya, Inc.,
20 Hyung Ki Han, (aka Young K. Han), Mina Han
21 (aka Mi Ok Han)

22 **DECLARATION OF TOMAS E. MARGAIN**

23 I, Tomas E. Margain, declare as follows:

24 1. I am one of the attorneys of record for Plaintiff in this case. I have personal
25 knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would
testify thereto.

2. My client Jose Oswaldo Morales contacted me and asked that I close the case or
dismiss the matter. Plaintiff Morales has also put this request in writing.

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

3. Without waiving the attorney client privilege, the decision to dismiss the matter was not based on any settlement but a choice of Plaintiff to focus on a family health matter in Mexico.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, executed on March 16, 2018 in San Jose, California.

//s// Tomas Margain

ORDER

IT IS HEREBY ORDERED pursuant to the parties' Stipulation, and Good Cause appearing therefore, that the above entitled action is hereby dismissed without prejudice.

IT IS SO ORDERED

DATED: March 16, 2018

By: _____

