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7 Attorneys for Plaintiffs

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9 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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11 DEBRA PITTMAN, ROSALYNE R. )  
SMITH, MARKOS MENDOZA, RINEO )  
12 VLIJTER, EDITH MARSHALL, and )  
MOHAMED SABRO, individually and )  
13 on behalf of all others )  
similarly situated, )  
14 )  
Plaintiffs, )

Case No.: 09-CV-878-PMP-GWF

**PLAINTIFFS' MOTION TO BE  
RELIEVED AS COUNSEL FOR  
PLAINTIFF MOHAMED SABRO AND TO  
DISMISS HIS CASE WITHOUT  
PREJUDICE**

15 v. )  
16 )  
WESTGATE PLANET HOLLYWOOD LAS )  
17 VEGAS, LLC., WESTGATE RESORTS )  
INC., WESTGATE RESORTS LTD., CFI )  
18 SALES & MARKETING, LTD., CFI )  
SALES & MARKETING, LLC., CFI )  
19 SALES & MARKETING, INC., DAVID )  
A. SIEGEL, RICHARD SIEGEL and )  
20 "John Doe" entities 1 to 25, )  
name and number unknown,, )  
21 )  
Defendants. )

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23 The plaintiffs, through their attorney, Leon Greenberg, Esq.,  
24 hereby move this Court for an Order relieving plaintiffs' counsel in  
25 this case as counsel for Mohamed Sabro and dismissing his claims  
26 without prejudice. This motion is based upon the declaration of  
27 Leon Greenberg, attorney for plaintiff Mohammed Sabro.  
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**DECLARATION OF LEON GREENBERG**

Leon Greenberg, attorney for plaintiff Mohamed Sabro, hereby affirms, under penalty of perjury, that:

1. As discussed in the motion made to this case seeking partial collective action certification, bifurcation, and to limit discovery (Docket #232), plaintiffs' counsel intends to proceed with this case on a limited basis and in a form for which it is suitable for a collective action disposition. Named plaintiff, Mohamed Sabro, does not possess an individual claim that is within the scope of the proposed FLSA collective action certification. Accordingly, it is being requested plaintiffs' counsel be relieved as his counsel and his claims in this case be dismissed without prejudice.

2. I previously discussed the request I am making to the Court in this motion with Mohamed Sabro on November 1, 2012. Mohamed Sabro authorized me to submit this motion and seek the relief I am requesting.

3. I am requesting that Mohamed Sabro's claims be dismissed without prejudice as he advised me he will not be seeking to prosecute those claims in this proceeding or seek another attorney to represent him in this proceeding. Mohamed Sabro also advised me that he does **not** intend to pursue such claims by filing another litigation against defendant, which he might find better venued for such purpose in Florida which is where he resides and worked for defendants. Nonetheless, I believe a dismissal of his claims without prejudice would be appropriate. Defendants have not been put to any particular effort in defending Mr. Sabro's claims (as a distinct claim separate and apart from the putative class claims in this case). Accordingly, even though Mr. Sabro manifests no

1 intention to pursue these claims, and a "without prejudice"  
2 dismissal may still render such claims beyond action by application  
3 of the statute of limitations, I believe such a "without prejudice"  
4 dismissal is warranted.

5 I have read the foregoing and affirm the same is true and  
6 correct.

7 Affirmed this 9<sup>th</sup> Day of November, 2012

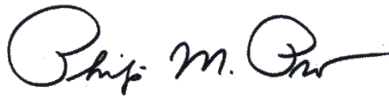
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*/s/Leon Greenberg*

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Attorney for Plaintiff

IT IS SO ORDERED.

Dated: December 26, 2012.



PHILIP M. PRO, UNITED STATES DISTRICT JUDGE