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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

CINTHIA COLLADO, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

**CLOVER MEDICAL CORPORATION,
INC.** and DOES 1 to 50, inclusive,

Defendants.

Case No. 20STCV02970

REQUEST FOR DISMISSAL;

Cal. R. Court 3.770

[NO HEARING REQUESTED]

I. INTRODUCTION

Pursuant to California Rule of Court 3.770, Plaintiff CINTHIA COLLADO (“Plaintiff”) respectfully requests this Court enter the attached [Proposed] Order for Dismissal of this class action, with prejudice as to Plaintiff and without prejudice as to the proposed class pursuant to California Code of Civil Procedure section 581(k) and California Civil Rule of Court 3.770, without a hearing.¹ Plaintiff requests dismissal after learning new facts from Defendant’s

¹ California Rule of Court 3.770 provides, in relevant part: “The court may grant the request without a hearing.” Cal. R. Court 3.770(b).

1 attorney; Defendant advised that it was experiencing a level of financial hardship, and would be
2 unable to fund a class action, even in the event that a class could be certified.

3 **II. BACKGROUND**

4 On or about January 24 2020 Plaintiff CINTHIA COLLADO Plaintiff filed a putative
5 class action against Defendant CLOVER MEDICAL CORPORATION, INC. (“Defendant”) for
6 Failure To Provide Rest Breaks [Lab. C. §§ 226.7 And Wage Order]; 2. Failure To Provide Meal
7 Periods [Lab. C. §§ 226.7, 512, And Wage Order]; 3. Failure To Provide Accurate Wage
8 Statements [Lab. C. §§ 226]; 4. Failure To Pay All Wages Owed Upon Termination [Lab. C. §§
201-203]; 5. Violation Of Bus. And Prof. Code §17200.

9 Throughout the parties’ early exchanges, Defendant advised that it was experiencing a
10 level of financial hardship, and would be unable to fund a class action, even in the event that a
11 class could be certified. Plaintiff requested information from Defendant and exchanged said
12 information under the context of confidential settlement communications.

13 Considering the information provided by Defendant, the Defendant’s financial situation,
14 and the significant risks of proceeding with class litigation, Plaintiff engaged in individual
15 settlement discussions with Defendant, and a confidential settlement agreement was forged.
16 Pursuant to the agreement, Plaintiff would dismiss the present action, with prejudice to his own
17 claims, and without prejudice to the putative class members’ claims. No consideration was
18 exchanged specifically for Plaintiff’s dismissal of his class claims. However, consideration was
19 exchanged for Plaintiff’s individual claims, including his claims under California Business and
20 Professions code §17200. Plaintiff also agreed as a condition of settlement to a waiver of Cal.
21 Civ. Code § 1542, precluding her from raising any other claims. Defendant agreed to pay
22 Plaintiff and his attorneys a sum of \$4,000.00 in exchange for Plaintiff’s individual claims and
23 attorneys’ fees and costs.

24 The settlement sum is fair and reasonable compensation for Plaintiff’s aforementioned
25 individual claims, and offers no compensation above and beyond what Plaintiff would expect to
26 have received in an individual action brought under these labor statutes. In fact, it is far lower
27 than either Plaintiff’s potential individual recovery or attorneys’ fees and costs, demonstrating
the level of hardship is significant.

28 No formal discovery has been undertaken, class notice has not been sent to putative class
members, the class has not been certified, and no class certification motion has been filed.

1 Therefore, no notice to the putative class members is required under these circumstances. Cal.
2 R. Court 3.770(c).

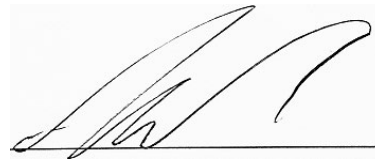
3 Pursuant to Rule 3.770 of the California Rules of Court, Plaintiff's counsel therefore
4 requests approval of the Court to dismiss Plaintiff's class claims without prejudice, and Plaintiff's
5 individual claims, with prejudice

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7 **III. CONCLUSION**

8 In the interest of judicial efficiency, Plaintiff respectfully asks that the Court grant their
9 request to dismiss this action.

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11 Date: October 28, 2020

Law Offices of Todd M. Friedman, PC

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ADRIAN R. BACON Esq.

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**DECLARATION OF ADRIAN R.
BACON IN SUPPORT THEREON
Cal. R. Court 3.770**

[NO HEARING REQUESTED]

**ADRIAN R. BACON DECLARATION IN SUPPORT OF MOTION TO DISMISS
CLASS CLAIMS PURSUANT TO CALIFORNIA RULE OF COURT 3.770**

I, ADRIAN R. BACON, hereby declare and state under penalty of perjury under the laws
of the State of California as follows:

1. I have personal knowledge of the matters set forth herein, and if called as
a witness in this matter, could competently testify thereto.

2. My firm, Law Offices of Todd M. Friedman, P.C., are the attorneys of
record for Plaintiff CINTHIA COLLADO.

1 3. On or about January 24 2020 Plaintiff CINTHIA COLLADO Plaintiff
2 filed a putative class action against Defendant CLOVER MEDICAL CORPORATION, INC.
3 (“Defendant”) for wages owed, including meal, rest and recovery period wages, as well as
4 waiting time penalties, and other penalties under the California Labor Code, and for restitution
5 and injunctive relief.

6 4. Through informal discovery and the exchange of information with
7 defense counsel, Plaintiff’s counsel were advised that Defendant advised that it was experiencing
8 a level of financial hardship, and would be unable to fund a class action, even in the event that a
9 class could be certified.

10 5. In light of these challenges, and in the interest of judicial efficiency, the
11 parties have agreed to dismiss Plaintiff’s class action claims without prejudice, and individually
12 resolved Plaintiff’s own individual claims against Defendant. Notably, the parties’ settlement
13 agreement pays no consideration in exchange for a release of class claims and settles only
14 Plaintiff’s individual claims against Defendant.

15 6. Consideration was exchanged for Plaintiff’s individual claims, including
16 claims under California Business and Professions code §17200. Plaintiff also agreed as a
17 condition of settlement to a waiver of Cal. Civ. Code § 1542, precluding her from raising any
18 other claims. Defendant agreed to pay Plaintiff and his attorneys a sum of \$4,000.00 in exchange
19 for Plaintiff’s individual claims and attorneys’ fees and costs.

20 7. No other putative class members have contacted me, or advised me that
21 they are aware of, or relying on this lawsuit to protect their interests. No formal discovery has
22 been undertaken, no class notice has been sent to putative class members, the class has not been
23 certified, and no class certification motion been filed.

24 Executed on October 28, 2020

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ADRIAN R. BACON Esq.

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**[PROPOSED] ORDER
Cal. R. Court 3.770**

[NO HEARING REQUESTED]

[PROPOSED] ORDER DISMISSING PARTY TO ACTION

Pursuant to the Request for Dismissal filed by Plaintiff and the accompanying Declaration
of ADRIAN R. BACON and for good cause appearing:

IT IS HEREBY ORDERED that Plaintiff's class action complaint shall be dismissed
without prejudice as to the class claims, and with prejudice as to Plaintiff's individual claims.

Notice need not be given to the purported class as the dismissal will not prejudice them.

IT IS SO ORDERED.

Date: _____

The Honorable Judge
of the Superior Court of the State of California

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I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Law Offices of Todd M. Friedman P.C., 21550 Oxnard St., Suite 780 Woodland Hills, CA 91367

☐ BY E-MAIL OR ELECTRONIC TRANSMISSION: I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

By  Nadia Lotun