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and others similarly situated and aggrieved
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8 **SUPERIOR COURT OF CALIFORNIA**

9 **FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

10 LAUREN MCCOY, individually, and on behalf
of all others similarly situated,
11

12 Plaintiff,

13 vs.

14 CLUB PILATES FRANCHISE, LLC, a
Delaware Limited Liability Company; GREEN
15 STREET FITNESS, LLC, a California Limited
Liability Company; CLUB PILATES, an Entity
of Unknown Form; and DOES 1 through 50,
16 inclusive,

17 Defendants.
18

Case No. 30-2020-01136075-CU-OE-CXC

*[Assigned for all purposes to the Honorable
William Claster, Dept CX-101]*

**REQUEST FOR DISMISSAL OF
PLAINTIFF’S CLAIMS AGAINST
DEFENDANTS PURSUANT TO
CALIFORNIA RULE OF COURT 3.770**

Action Filed: March 3, 2020

FAC Filed: May 26, 2020

Trial Date: None set

19 Plaintiff LAUREN MCCOY (“Plaintiff”) hereby requests, through her counsel of record,
20 that this Court enter the attached [Proposed] Order for Dismissal of Plaintiff’s Claims Against
21 Defendants Club Pilates Franchise, LLC (“Club Pilates”) and Green Street Fitness, LLC (“GSF”)
22 (collectively, “Defendants”), pursuant to California Code of Civil Procedure section 581(k) and
23 California Civil Rule of Court 3.770, without a hearing.¹

24 This Request arises from a Settlement Agreement and Mutual Release (“Agreement”)
25 reached between the parties after extensive negotiations and consideration of the unique
26 circumstances of this case.
27

28 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 The Agreement reached by Plaintiff and Defendants provides for settlement and release of
2 Plaintiff's individual claims against Defendants and does not provide nor attempt to provide for
3 the settlement or release of any class or PAGA representative claims. (Declaration of Greg Taylor
4 ("Taylor Decl."), ¶ 5.) Under the terms of the settlement, the consideration is in connection with
5 Plaintiff's release of her individual claims only. (*Id.*) Attached to the Taylor Decl. is a copy of the
6 Agreement. (*Id.*, ¶ 7, Ex. A.)

7 The allegations asserted on behalf of a putative class may be properly dismissed consistent
8 with California Rules of Court, Rule 3.770. Pursuant to California Rules of Court, Rule 3.770(c),
9 if the court has not ruled on class certification, or if the court has ruled on class certification but
10 notice of the pendency of the action has not been provided to class members in a case in which
11 such notice is required by the court, the court may dismiss the action "without notice to the
12 [putative class members] if the court finds that the dismissal will not prejudice them."

13 Here, no putative class has been certified, and a certification motion is not yet filed. (Taylor
14 Decl., ¶ 8.) As such, pursuant to Rule of Court 3.770(c), it may be dismissed by this Court without
15 notice to the class members. There is no prejudice to putative class members because no class has
16 been certified against Defendants and the class claims against Defendants are being dismissed
17 *without* prejudice.

18 Based upon the foregoing, Plaintiff respectfully requests that the Court dismiss Plaintiff's
19 individual claims against Defendants with prejudice and dismiss the class claims against
20 Defendants without prejudice.

21 DATED: June 5, 2024

THE KICK LAW FIRM, APC

23 By: /s/ Greg Taylor.

24 TARAS KICK

GREG TAYLOR

25 Attorneys for Plaintiff

26 LAUREN MCCOY and others similarly
situated and aggrieved

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22 inclusive,

23 Defendants.

Case No. 30-2020-01136075-CU-OE-CXC
[Assigned for all purposes to the Honorable
William Claster, Dept CX-101]

**[PROPOSED] ORDER DISMISSING
PLAINTIFF'S CLAIMS AGAINST
DEFENDANTS**

Action Filed: March 3, 2020
FAC Filed: May 26, 2020
Trial Date: None set

1 Having reviewed Plaintiff's Request for Dismissal Pursuant to California Rule of Court
2 3.770 and the Declaration of Greg Taylor, filed in support, and finding the dismissal in compliance
3 with California law, the Court finds good cause and hereby GRANTS the Request for Dismissal
4 as follows:

5 1. Plaintiff's individual claims only against Defendants Club Pilates Franchise, LLC and
6 Green Street Fitness, LLC (collectively, "Defendants") are dismissed with prejudice
7 pursuant to the terms of the Settlement Agreement and Mutual Release ("Agreement")
8 attached to the Declaration of Greg Taylor.

9 2. Plaintiff's putative class action claims against Defendants are dismissed without
10 prejudice pursuant to the parties' Agreement.

11 **IT IS SO ORDERED.**

12 Date: _____

13 _____
14 HON. WILLIAM CLASTER
15 JUDGE OF THE SUPERIOR COURT
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