

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiffs Maria Acosta-Mendoza and Jacob Sanchez, on behalf of themselves and all
“aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

MARIA ACOSTA-MENDOZA, on behalf of
herself and all “aggrieved employees” pursuant
to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

MAS MANAGEMENT SERVICES, LLC,
an Arizona limited liability company, and
DOES 1 through 10, inclusive,

CASE NO: 34-2020-00290305

Assigned to Hon. Jill H. Talley, Dept. 27

**PLAINTIFFS’ REQUEST FOR
DISMISSAL OF CLASS AND
REPRESENTATIVE ACTION;
[PROPOSED] ORDER**

[Filed Concurrently]: Declaration of Daniel F.
Gaines in Support of Request for Dismissal of
Class and Representative Action]

Complaint Filed: December 9, 2020

FAC Filed: July 16, 2021

SAC Filed: July 24, 2023

1 **REQUEST FOR DISMISSAL**

2 Based on the facts set forth in the concurrently-filed Declaration of Daniel F. Gaines, Plaintiffs
3 Maria Acosta-Mendoza and Jacob Sanchez hereby request that the Court enter a dismissal of this
4 action ***WITH PREJUDICE*** as to Plaintiffs' individual claims and dismissal ***WITHOUT***
5 ***PREJUDICE*** as to the class and representative action claims.

6 Dated: August 28, 2023

Respectfully submitted,
GAINES & GAINES, APLC

7
8 By: *Daniel F. Gaines*
9 DANIEL F. GAINES
Attorneys for Plaintiffs

10
11 **[PROPOSED] ORDER**

12 Based on the Request for Dismissal and the concurrently-filed Declaration of Daniel F.
13 Gaines, it is hereby ORDERED that this action is dismissed WITH PREJUDICE as to Plaintiffs'
14 individual claims and is dismissed WITHOUT PREJUDICE as to the class and representative action
15 claims.

16
17 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 within action; my business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On August 28, 2023, I served the foregoing document described as **PLAINTIFFS' REQUEST FOR**
6 **DISMISSAL OF CLASS AND REPRESENTATIVE ACTION; [PROPOSED] ORDER** on the interested parties in
7 this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **Ryan L. Eddings, Esq.**
9 reddings@littler.com
10 **Alejandra Gallegos, Esq.**
11 agallegos@littler.com
12 **LITTLER MENDELSON, P.C.**
13 **5200 North Palm Avenue, Suite 302**
14 **Fresno, CA 93704**
15 **Cc: Laura Aispuro**
16 LAispuro@littler.com

17 _____ (BY ☐ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
18 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection
19 and processing correspondence for mailing. It is deposited with United States postal service on that same
20 day in the ordinary course of business. I am aware that on motion of party served, service is presumed
21 invalid if postal cancellation date or postage meter date is more that one day after date of deposit for
22 mailing in affidavit.

23 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
24 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an
25 authorized carrier or driver authorized by the express carrier to receive documents.

26 X (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
27 transmission via email on the counsel of record listed above.

28 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the Labor
& Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov)
in accordance with the procedure imposed by the LWDA.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2023, at Westlake Village, California.

Katherine Soriano
KATHERINE SORIANO