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

FARZAD AZIMA, individually, and on
behalf of all others similarly situated,

PLAINTIFF,

v.

BIG HIT ENTERTAINMENT CO., LTD, a
corporation; FREENJOY, INC., a
corporation; and DOES 1 through 50,
inclusive,

DEFENDANTS.

CASE NO. 20STCV43656

[Case Assigned for All Purposes to Hon. Maren
E. Nelson in Dept. 17]

**PLAINTIFF FARZAD AZAIM'S REQUEST
TO DISMISS DEFENDANT BIG HIT
ENTERTAINMENT CO., LTD WITHOUT
PREJUDICE; DECLARATION OF FRANK
H. KIM IN SUPPORT**

[Concurrently filed with Proposed Order]

Complaint Filed: November 16, 2020
Trial Date: None Scheduled

REQUEST FOR DIMISSAL

Pursuant to California Rules of Court, Rule 3.770, Plaintiff Farzad Azima (“Plaintiff”) hereby requests to dismiss Defendant Big Hit Entertainment Co., LTD (“Big Hit Entertainment”) without prejudice.¹

On November 16, 2020, Plaintiff filed the instant class action lawsuit against Defendants Big Hit Entertainment and Freenjoy, Inc. (“Freenjoy”) (together, “Defendants”) for Labor Code violations arising from a music video featuring BTS. (Declaration of Frank H. Kim (“Kim Decl.”), ¶ 3.) Freenjoy produced the music video and Big Hit Entertainment was the record label that hired Freenjoy. (*Id.*) In the lawsuit, Plaintiff alleges that Big Hit Entertainment and Freenjoy were his employer and/or joint employer. (*Id.*)

On June 15, 2021, Plaintiff filed a First Amended Complaint against Defendants to add a PAGA claim. (Kim Decl., ¶ 4.)

On June 26, 2021, Plaintiff served written discovery on Big Hit Entertainment, which Big Hit Entertainment responded with objections only. (Kim Decl., ¶ 5.) On April 29, 2022, Defendant Bit Hit Entertainment filed a Motion for Summary Judgment on the grounds that it was not Plaintiff’s employer or joint employer. (*Id.*) On July 12, 2022, Big Hit Entertainment also served substantive responses to Plaintiff’s second set of written discovery. (*Id.*)

In light of the arguments and supporting documents provided by Big Hit Entertainment in its Motion for Summary Judgment, along with its responses to Plaintiff’s second set of written discovery, Plaintiff and Big Hit Entertainment entered into a settlement agreement whereby Plaintiff agreed to dismiss Big Hit Entertainment without prejudice in exchange for a waiver of costs. (Kim Decl., ¶ 6.) Plaintiff continues to pursue his claims against Defendant Freenjoy. (*Id.*)

Except for the foregoing, no consideration, direct or indirect, was given in exchange for Plaintiff’s dismissal without prejudice. (Kim Decl., ¶ 7.)

On October 3, 2022, Plaintiff served a copy of this Request For Dismissal by uploading it to the LWDA website. (Kim Decl., ¶ 8; Ex. A.)

¹ According to counsel for Hybe Corporation, Bit Hit Entertainment is now Hybe Corporation.

1 Plaintiff submits that the instant settlement does not prejudice any putative class
2 member, so there is no need for any sort of notice to be given under California Rules of Court,
3 Rule 3.770(c). The following factors are persuasive in this regard: (a) no class was certified;
4 and (b) no notice was ever provided to any potential class members about this action. (Kim
5 Decl., ¶ 7.)

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7 DATED: October 3, 2022

KIM LEGAL, APC

8 By: /s/ Frank H. Kim
9 FRANK H. KIM
10 Attorneys for Plaintiff
11 and the Proposed Class
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1 Freenjoy.

2 7. Except for the foregoing, no consideration, direct or indirect, was given in
3 exchange for Plaintiff's dismissal without prejudice.

4 8. On October 3, 2022, Plaintiff served a copy of this Request For Dismissal by
5 uploading it to the LWDA website. Attached as **Exhibit A** is a true and correct copy of an
6 email from the LWDA confirming Plaintiff's submission.

7 9. A Proposed Order Granting Plaintiff's Request to Dismiss Big Hit Entertainment
8 Without Prejudice is being filed concurrently with this declaration.

9 Executed this 3rd day of October 2022 in Los Angeles, California.

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11 /s/ Frank H. Kim

12 FRANK H. KIM
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On October 3, 2022, I served all interested parties in this action the following documents described as: **PLAINTIFF FARZAD AZAIM'S REQUEST TO DISMISS DEFENDANT BIG HIT ENTERTAINMENT CO., LTD WITHOUT PREJUDICE; DECLARATION OF FRANK H. KIM IN SUPPORT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

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Attorneys for Plaintiff

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be uploaded via Case Anywhere per the Court's Order Authorizing Electronic Service.

BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 3, 2022, at Los Angeles, California.

/s/ Frank H. Kim

Frank H. Kim