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Attorneys for Plaintiff RYAN CHERRY, on behalf of himself and on behalf of all similarly situated individuals

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

RYAN CHERRY, on behalf of himself and on
behalf of all similarly situated individuals,

Plaintiff,

v.

NEWBASIS WEST, LLC, a Delaware limited
liability company; FOLLOW ON WEST LLC,
a Delaware limited liability company; KARL
STOCKBRIDGE, and individual; and DOES 1
through 10, inclusive,

Defendants.

CASE NO: CVRI2000701

*Assigned to the Hon. Raquel A. Marquez, Dept.
S303*

**PLAINTIFF'S 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 23, 2020

1 **REQUEST FOR DISMISSAL**

2 Based on the facts set forth in the concurrently-filed Declaration of Daniel F. Gaines, Plaintiff
3 RYAN CHERRY hereby requests that the Court enter a dismissal of this action ***WITH PREJUDICE***
4 as to Plaintiff's individual claims and dismissal ***WITHOUT PREJUDICE*** as to the class and
5 representative action claims.

6 Dated: November 4, 2022

Respectfully submitted,
GAINES & GAINES, APLC

7
8 By:



DANIEL F. GAINES
Attorneys for Plaintiff

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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 Plaintiff's
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 November 4, 2022, I served the foregoing document described as **PLAINTIFF'S 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 **Jonathan McNeil Wong, Esq.**
9 **DONAHUE FITZGERALD LLP**
10 **1999 Harrison Street 26th Floor**
11 **Oakland, California 94612-3520**

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

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

21 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Westlake Village, California, I
22 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant
23 to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine
24 was (818)703-8984 and the telephone number(s) of the receiving facsimile machine was (____) ____-____.
25 A transmission report was properly issued by the sending facsimile machine, and the transmission was
26 reported as complete and without error. Copies of the facsimile transmission cover sheet and the
27 transmission report are attached to this proof of service.

28 _____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

_____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

_____ (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 November 4, 2022, at Westlake Village, California.

BEATRIZ FRANCO