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1 RUTAN & TUCKER, LLP
 2 Maria Z. Stearns (State Bar No. 230649)
 3 mstearns@rutan.com
 4 Kimberly A. Nayagam (State Bar No. 301058)
 5 knayagam@rutan.com
 6 18575 Jamboree Road, 9th Floor
 7 Irvine, CA 92612
 8 Telephone: 714-641-5100
 9 Facsimile: 714-546-9035

10 Attorneys for Defendant
 11 CTS CEMENT MANUFACTURING CORPORATION

12 GOLDSTEIN, BORGAN, DARDARIAN & HO
 13 Laura L. Ho (State Bar No. 173179)
 14 lho@gbdhlegal.com
 15 Ginger L. Grimes (State Bar No. 307168)
 16 ggrimes@gbdhlegal.com
 17 155 Grand Avenue Suite 900
 18 Oakland CA 94612
 19 Telephone: 510-763-9800
 20 Facsimile: 510-835-1417

21 Attorneys for Plaintiff
 22 DANIEL JENSEN

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FILED
 ALAMEDA COUNTY
 AUG 06 2021
 CLERK OF THE SUPERIOR COURT
 By  Deputy

DANIEL JENSEN, on behalf of the State of California,

Plaintiff,

v.

CTS CEMENT MANUFACTURING CORPORATION,

Defendant.

Case No. RG21085435

ASSIGNED FOR ALL PURPOSES TO
 HON. BRAD SELIGMAN, DEPT. 23

STIPULATION FOR DISMISSAL AND
 [PROPOSED] ORDER

Plaintiff Daniel Jensen ("Plaintiff") and Defendant CTS Cement Manufacturing Corporation ("Defendant"), through their respective undersigned counsel of record, hereby stipulate as follows:

WHEREAS, on January 6, 2021, Plaintiff filed a Complaint against Defendant (the "Action"), alleging a violation of Labor Code section 2698, *et seq.*, the Private Attorneys General

1 Act ("PAGA"), premised on the alleged misclassification of employees in the Technical Service
2 Representative position working for Defendant at Home Depot stores in California during the
3 relevant PAGA period (the "PAGA aggrieved employees");

4 WHEREAS, after Plaintiff filed his Complaint, the Parties met and conferred over several
5 months regarding Plaintiff's theories of liability and Defendant provided the following information
6 to Plaintiff for review and consideration:

- 7 • There are at most 13 PAGA aggrieved employees, including Plaintiff;
- 8 • Since July 1, 2021, all currently employed PAGA aggrieved employees (12 in total,
9 including Plaintiff) have been paid as non-exempt hourly employees; and,
- 10 • 11 of the 13 PAGA aggrieved employees recently released all of their underlying
11 wage claims and their individual claim for PAGA penalties;

12 WHEREAS, on July 28, 2021, the Parties attended a mediation with Lisa Klerman, Esq.;

13 WHEREAS, the Parties ultimately arrived at an individual settlement, which terms are
14 confidential except that it included a general release of claims and voluntary resignation of
15 employment by Plaintiff as well as payment of fees and costs for his individual claims;

16 WHEREAS, in light of the factors above, the Parties also agreed that Plaintiff would seek
17 dismissal of his PAGA claim and this Action: (i) with prejudice as to Plaintiff himself; and (ii)
18 without prejudice to any other PAGA aggrieved employee; and

19 WHEREAS, the PAGA aggrieved employees have not been provided any notice regarding
20 this Action.

21
22 NOW THEREFORE, the Parties stipulate as follows:

23 1. The Action shall be dismissed as follows:

24 a. Plaintiff's PAGA Claim and the Action shall be dismissed with prejudice as
25 to Plaintiff, which Order shall have res judicata and collateral estoppel effect on Plaintiff's claims
26 asserted in this Action; and

27 b. Plaintiff's PAGA Claim and the Action shall be dismissed without prejudice
28 as to any person other than Plaintiff;

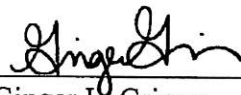
1 2. Each party shall bear its/his own attorneys' fees and costs incurred in this Action;
2 and

3 3. No notice shall be required to any allegedly aggrieved employee of the foregoing
4 dismissal.

5 IT IS SO STIPULATED.

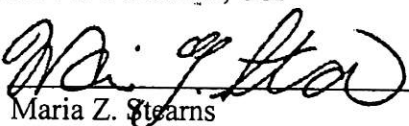
6 Dated: August 5, 2021

GOLDSTEIN, BORGEN, DARDARIAN & HO

7
8 By: 
9 Ginger L. Grimes
10 Attorneys for Plaintiff
11 DANIEL JENSEN

11 Dated: August 5, 2021

RUTAN & TUCKER, LLP

12
13 By: 
14 Maria Z. Stearns
15 Attorneys for Defendant
16 CTS CEMENT MANUFACTURING
17 CORPORATION
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~~PROPOSED~~ ORDER OF DISMISSAL

The Court, having received and reviewed the Stipulation for Dismissal, and GOOD CAUSE appearing, herein orders as follows:

1. The Action is dismissed as follows:

a. Plaintiff's PAGA Claim and the Action shall be dismissed with prejudice as to Plaintiff. This Order shall have res judicata and collateral estoppel effect on Plaintiff's claims asserted in this Action; and

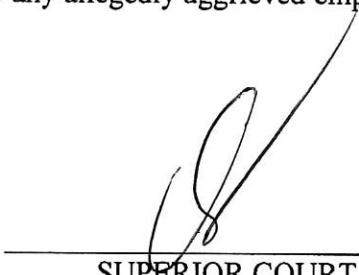
b. Plaintiff's PAGA Claim and the Action shall be dismissed without prejudice as to any person other than Plaintiff;

2. Each party shall bear its/his own attorneys' fees and costs incurred in this Action; and

3. No notice shall be required to any allegedly aggrieved employee of the dismissal of the Action.

IT IS SO ORDERED.

DATED: 8/6/21



SUPERIOR COURT JUDGE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

Case Number: RG21085435

Case Name: Jensen v. CTS Cement Manufacturing Corporation

RE: STIPULATION FOR DISMISSAL AND ORDER

CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed: 8/9/2021

Jhalisa Castaneda
Courtroom Clerk, Dept. 23

Laura L. Ho Ginger L. Grimes GOLDSTEIN, BORGAN, DARDARIAN & HO 155 Grand Avenue, Suite 900 Oakland, CA 94612 lho@gbdhlegal.com ggrimes@gbdhlegal.com	<i>Attorneys for Plaintiff</i>
Maria Z. Stearns Kimberly A. Nayagam RUTAN & TUCKER, LLP 18575 Jamboree Road, 9 th Floor Irvine, CA 94612 mstearns@rutan.com knayagam@rutan.com	<i>Attorneys for Defendant</i>