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FILED
 Superior Court of California
 County of Los Angeles
 12/16/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: V. Yonker Deputy

Attorneys for Plaintiff James Neal, on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

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

JAMES NEAL, on behalf of himself and all
 “aggrieved employees” pursuant to Labor
 Code § 2698 *et seq.*,

Plaintiffs,

v.

EDITION MANAGEMENT, LLC, a Delaware
 limited liability company, and DOES 1 through
 10, inclusive,

Defendants.

CASE NO. 21SMCV00503

*Assigned to the Honorable Mark H. Epstein,
 Dept. R*

**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: March 17, 2021
 FAC Filed: June 4, 2021*

1 **REQUEST FOR DISMISSAL**

2 Based on the facts set forth in the concurrently-filed Declaration of Daniel F. Gaines, Plaintiff
3 JAMES NEAL 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: December 14, 2022

Respectfully submitted,
GAINES & GAINES, APLC

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8 By:


9 DANIEL F. GAINES
Attorneys for Plaintiff

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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: 12/16/2022





Mark H. Epstein / Judge
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 December 14, 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 **Joseph W. Ozmer II, Esq.**
9 **Kristapor Vartanian, Esq.**
10 **KABAT CHAPMAN & OZMER LLP**
11 **333 S. Grand Avenue, Suite 2225**
12 **Los Angeles, CA 90071**

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

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

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

_____ (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.

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

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

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

26 Executed on December 14, 2022, at Westlake Village, California.

27 Amelia Booth
28 AMELIA BOOTH