

1 MARK H. WAGNER (SBN 258214)
2 **WAGNER LEGAL GROUP, P.C.**
3 2601 Ocean Park Blvd. Suite 208
4 Santa Monica, CA 90405
5 Telephone: (310) 857-5293
6 mark@wagnerlegalgroup.com
7 Attorneys for Plaintiff

8 Theresa M. Marchlewski (SBN 82429)
9 Vanessa V. Willis (SBN 278524)
10 Keving Erwin (SBN 170186)
11 **JACKSON LEWIS P.C.**
12 725 S. Figueroa Street, Suite 2500
13 Los Angeles, California 90017
14 Telephone: (213) 689-0404
15 Facsimile: (213) 689-0430
16 Attorneys for Defendants

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

14 KIMBERLY DIAMOND, an individual,
15
16 Plaintiff,

17 v.

18 VICTOR MARTINEZ AND ASSOCIATES,
19 INC., a California corporation; VICTOR
20 MARTINEZ, an individual; and DOES 1
21 through 100, inclusive,
22
23 Defendants.

Case No. CIVSB2111766
(Assigned to Hon. John M. Pacheco, S31)

**[PROPOSED] ORDER RE DISMISSAL
OF PAGA CLAIMS AND CAUSE OF
ACTION, WITHOUT PREJUDICE**

Date: December 20, 2022
Time: 8:30 a.m.
Dept.: S31

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[PROPOSED] ORDER

This matter came before the Court on a stipulated *ex-parte* application by the Parties. The Court, having reviewed the papers and considering all arguments and having reviewed the Court’s file and the record, adjudges and orders as follows:

GOOD CAUSE APPEARING AND BASED ON THE STIPULATION OF THE PARTIES, the parties’ *ex parte* request is GRANTED. Plaintiff’s Eleventh Cause of Action for “Penalties Pursuant to Labor Code 2699 *et seq.*” is hereby dismissed, without prejudice.

An OSC re dismissal for the remainder of the case is set for _____, but no appearance necessary if a request for dismissal is filed in the meantime;

Additionally, _____
_____.

Dated: _____
Hon. John M. Pacheco
Judge of the Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

CASE NAME: *Kimberly Diamond v. Victor Martinez and Associates, Inc., et al.*

CASE NUMBER: CIV SB 2111766

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 200 Spectrum Center Drive, Suite 500, Irvine, CA 92618.

On December 19, 2022, I served the foregoing document described as:

**[PROPOSED] ORDER RE DISMISSAL OF PAGA CLAIMS AND CAUSE OF ACTION,
WITHOUT PREJUDICE**

in this action by transmitting a true copy thereof enclosed in a sealed envelope addressed as follows:

Mark H. Wagner
WAGNER LEGAL GROUP, P.C.
2601 Ocean Park Boulevard, Suite 208
Santa Monica, CA 90405
Telephone: (310) 857-5293
E-Mail : mark@wagnerlegalgroup.com

Attorneys for Plaintiff
KIMBERLY DIAMOND

[X] BY E-MAIL OR ELECTRONIC TRANSMISSION

Based on a Court order or on an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) described above to be sent from e-mail address Denise.MacMurray@jacksonlewis.com to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[XX] STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 19, 2022, at Riverside, California.

/s/ Denise G. S. MacMurray
Denise G. S. MacMurray