

1 **MOUTON LAW**
2 STACEY Y. MOUTON (SB# 324959)
3 Stacey@mouton.law
4 2150 Comstock St. #710754
5 San Diego, California 92111
6 Telephone: (760) 927-0647

7 Attorney for Plaintiff
8 SALENA GOSSACK

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
12/20/2024 11:13:19 AM

Clerk of the Superior Court
By B. Montijo ,Deputy Clerk

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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12 FOR THE COUNTY OF SAN DIEGO
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14 CENTRAL DIVISION
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16 SALENA GOSSACK, an individual, on behalf
17 of herself and other aggrieved employees,

18 Plaintiff,

19 vs.

20 CVS HEALTH CORPORATION, a Delaware
21 corporation; STEPHANIE B. KUEHNER, an
22 individual; and DOES 1-20, inclusive.

23 Defendants.
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CASE NO.: 37-2021-00040493-CU-WT-CTL

**PLAINTIFF'S REQUEST DISMISS
ACTION; DECLARATION OF STACEY
MOUTON IN SUPPORT THEREOF;
~~PROPOSED~~ ORDER**

Dep't: C-67
Judge: Hon. Michael T. Smyth
Complaint Filed: September 22, 2021
Trial Date: Not Set

1 Plaintiff SALENA GOSSACK ("Plaintiff"), by and through her counsel, hereby requests
2 as follows:

3 WHEREAS, on September 22, 2021, Plaintiff filed a complaint against Defendants in the
4 Superior Court of California, County of San Diego (the "Action") asserting causes of action on
5 behalf of herself and the State of California through the Private Attorneys General Act;

6 WHEREAS, on or about July 29, 2022, this Court ordered Plaintiff's individual claims
7 against Defendant CVS Health Corporation to arbitration and stayed Plaintiff's representative
8 PAGA claims pending the results of arbitration;

9 WHEREAS, the Parties have resolved Plaintiff's individual claims only, and agreed to
10 dismiss the PAGA claims without prejudice;

11 WHEREAS, no consideration is being provided to Plaintiff for the dismissal of the PAGA
12 claims;

13 WHEREAS, Plaintiff notified California's Labor Workforce and Development Agency that
14 Plaintiff has (1) requested this Court dismiss her PAGA claim without prejudice, and (2)
15 relinquished her status as California's authorized representative for LWDA Case Number LWDA-
16 CM-838945-21;

17 WHEREAS, the dismissal of the Action will thus not prejudice the rights and remedies of
18 the State of California.

19 NOW, THEREFORE, Plaintiff hereby requests that:

- 20 1. Plaintiff's individual claims shall be dismissed with prejudice; *and*
 - 21 2. Plaintiff's PAGA action shall be dismissed without prejudice.
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DATED: December 20, 2024

MOUTON LAW
STACEY Y. MOUTON

By: /s/ Stacey Y. Mouton
STACEY MOUTON
2150 Comstock #710754
San Diego, California 92111
Telephone: (760) 927-0647

Attorney for Plaintiff
SALENA GOSSACK

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1 I declare under penalty of perjury under the laws of California, that the foregoing is true
2 and correct, and that this declaration was executed on this December 20, 2024, at San Diego,
3 California.

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5 By: /s/ Stacey Y. Mouton

6 Stacey Y. Mouton
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1 **[PROPOSED] ORDER**

2 THE COURT, having received and reviewed Plaintiff's Request to Dismiss this Action, the
3 declaration of Stacey Mouton in support thereof, and finding GOOD CAUSE appearing therein,
4 orders as follows:

5 1. Upon entry of this Order, Plaintiff's individual claims within the Action shall be
6 dismissed in their entirety and **with prejudice**;

7 2. Upon entry of this Order, the representative claim under California's Private
8 Attorneys General Act shall be dismissed in its entirety and **without prejudice**;

9 3. Each Party shall bear her/its own costs and attorneys' fees, except as otherwise
10 agreed.

11 **IT IS SO ORDERED**

12
13
14 DATED: April 8, 2025 Michael T. Smyth

HON. MICHAEL T. SMYTH
JUDGE OF THE SUPERIOR COURT

Highly sensitive to each other