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[Additional Counsel on Following Page]

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

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

Plaintiffs,

v.

PATRIOT ENVIRONMENTAL SERVICES,
INC., a California corporation, and DOES 1
through 10, inclusive,

Defendants.

Case No: 34-2021-00310042-CU-OE-GDS

Assigned to the Hon. Thadd A. Blizzard, Dept. 43

**STIPULATION TO (1) LIFT
ARBITRATION STAY; AND (2) REQUEST
FOR DISMISSAL OF REPRESENTATIVE
ACTION; [PROPOSED] ORDER**

[Filed Concurrently]: Declaration of Evan S.
Gaines in Support of Request for Dismissal of
Representative Action]

Complaint Filed: October 22, 2021

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Attorneys for Plaintiff Randall Kunsman

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On October 22, 2021, Plaintiff filed the instant Action seeking damages on a representative basis on behalf of himself and similarly situated individuals for Defendant PATRIOT ENVIRONMENTAL SERVICES, INC.'s ("Defendant") alleged violations of California Labor Code and the Private Attorneys General Act of 2004 ("PAGA"), codified as § 2698, et seq., by allegedly failing to provide meal and rest periods, or compensation in lieu thereof, issue complete and accurate wage statements, and pay all wages due at separation of employment. Declaration of Evan S. Gaines ("Gaines Decl.") at ¶ 2.

2. Thereafter, on October 25, 2022, pursuant to Defendant's motion, this Court ordered that the "representative PAGA claims stayed pending (1) the completion of arbitration of Plaintiff's individual PAGA claim or (2) a ruling in Adolph, whichever occurs first. The stay will not be lifted automatically. Any party seeking to lift the stay must file a motion (if opposed) or a stipulation and proposed order." Gaines Decl. at ¶ 3; **Exhibit A** to the Gaines Declaration.

3. The Parties participated in a global mediation (together with the case *Robert Bennett v. Patriot Environmental Services, Inc.*, San Diego County Superior Court, Case No. 37-2022-00044044-CU-OE-CTL [the "*Bennett Action*"]), with experienced wage and hour mediator Hunter R. Hughes III, Esq., wherein a settlement was achieved. Gaines Decl. at ¶ 4.

4. The Parties negotiated a global settlement of the Class and PAGA claims that resolved the claims alleged in the instant Action and the *Bennett Action*. Gaines Decl. at ¶ 5; **Exhibit B** to the Gaines Declaration.

1 5. The *Bennett* Action received final approval of the Settlement on September 13, 2024.
2 Gaines Decl. at ¶ 6; **Exhibit C** to the Gaines Declaration.

3 6. The Parties, therefore, seek this Court to (1) lift the arbitration stay and (2) enter a
4 dismissal of this action with prejudice. Gaines Decl. at ¶ 7.

5 7. Concurrent with the filing of this declaration and the request for dismissal, the
6 Settlement has been submitted to the LWDA in compliance with Labor Code section 2699(1)(2).
7 Gaines Decl. at ¶ 8; **Exhibit D** to the Gaines Declaration.

8 Based on the facts set forth herein and in the concurrently-filed Declaration of Evan S. Gaines,
9 the Parties hereby request that the Court (1) enter an order lifting the arbitration stay; and (2) enter a
10 dismissal of this action WITH PREJUDICE.

11 Dated: February 12, 2025

Respectfully submitted,

GAINES LAW CORPORATION

14 By:

EVAN S. GAINES

Attorneys for Plaintiff

16 Dated: February 12, 2025

MORGAN, LEWIS & BOCKIUS LLP

18 By:

/s/ Regina Agopian*

Kathryn T. McGuigan

Regina Agopian

Attorneys for Plaintiff

* As authorized by e-mail on

February 11, 2025

ORDER

Based on the Stipulation To (1) Lift Arbitration Stay; And (2) Request For Dismissal Of Representative Action, and the concurrently-filed Declaration of Evan S. Gaines, it is hereby ORDERED that:

1. The arbitration stay is hereby lifted; and
2. The Action is dismissed WITH PREJUDICE.

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 February 12, 2025, I served the foregoing document described as **STIPULATION TO (1) LIFT**
6 **ARBITRATION STAY; AND (2) REQUEST FOR DISMISSAL OF REPRESENTATIVE**
7 **ACTION;[PROPOSED] ORDER** on the interested parties in this action by placing a true copy thereof enclosed in
8 sealed envelopes addressed as follows:

9 **MORGAN, LEWIS & BOCKIUS LLP**
10 **Kathryn T. McGuigan, Esq.**
11 **300 South Grand Avenue, 22nd Floor**
12 **Los Angeles, California 90071-3132**
13 kathryn.mcguigan@morganlewis.com

14 **MORGAN, LEWIS & BOCKIUS LLP**
15 **Regina Agopian, Esq.**
16 **1400 Page Mill Road**
17 **Palo Alto, CA 94304-1124**
18 regina.agopian@morganlewis.com

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

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

28 X (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission of CASEANYWHERE on the counsel of record listed above..

 X (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 February 12, 2025, at Westlake Village, California.

25 
26 _____
27 EVAN S. GAINES
28