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 11 NORMAN R. LEAL, CAROL R. LEAL, and
 12 SHIN TAKESHIMA; and Defendants NORMAN
 13 R. LEAL AND CAROL R. LEAL, TRUSTEES
 14 OF THE LEAL FAMILY TRUST DATED
 15 MARCH 30, 2021

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 16 MEGHAN MALONEY

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 15 COUNTY OF SACRAMENTO

17 MEGHAN MALONEY, an individual,

18 Plaintiff,

19 v.

20 NORMAN R. LEAL, an individual; CAROL
 21 R. LEAL, an individual; SHIN TAKESHIMA,
 22 an individual; and DOES 1 through 50,
 23 inclusive,

24 Defendants.

Case No. 34-2021-00310533

**STIPULATED REQUEST FOR
 DISMISSAL WITH PREJUDICE AND
 [PROPOSED] ORDER**

Action Filed:

September 11, 2020

Trial Date:

July 17, 2023

BY FAX

FILED / ENDORSED

DEC 13 2022

By T. Shaddix, Deputy Clerk

1 **STIPULATED REQUEST FOR DISMISSAL WITH PREJUDICE**

2 **IT IS HEREBY STIPULATED** by and between Plaintiff MEGHAN MALONEY
 3 (“Maloney”) and Defendants NORMAN R. LEAL, CAROL R. LEAL, and SHIN TAKESHIMA;
 4 and Defendants NORMAN R. LEAL AND CAROL R. LEAL, TRUSTEES OF THE LEAL
 5 FAMILY TRUST DATED MARCH 30, 2021 (“Defendants”) (collectively, the “Parties”) as
 6 follows:

7 1. On or about January 12, 2022, Maloney filed her operative complaint in the above-
 8 entitled action alleging individual wage-and-hour claims and a representative claim pursuant to the
 9 Private Attorneys General Act of 2004 (“PAGA”).

10 2. Maloney filed her PAGA claim on behalf of the same allegedly “aggrieved
 11 employees” who Plaintiff Deborah Jensen represents in the related action of *Jensen v. Leal, et. al.*
 12 Case No. 34-2020-00285215 (the “Jensen Action”) in the Sacramento County Superior Court.

13 3. Defendants vigorously deny all of Maloney’s allegations on both factual and legal
 14 bases. Defendants also vigorously deny all of the allegations in the Jensen Action on both factual
 15 and legal bases.

16 4. On August 25, 2022, Maloney, Jensen, and Defendants participated in an all-day
 17 mediation with the Honorable Richard Kramer, who is presently a full-time neutral with Judicial
 18 Arbitration and Mediation Services, and who previously presided over the Complex Litigation
 19 Department of the San Francisco Superior Court for thirteen years.

20 5. At the mediation, the Parties reached an agreement on settlement terms regarding
 21 Jensen’s PAGA claim with substantial assistance from the Honorable Richard Kramer. The
 22 settlement of Jensen’s PAGA claim bars Maloney from pursuing her PAGA claim in this action on
 23 behalf of the same allegedly “aggrieved employees.” (See, e.g., *Robinson v. Southern Counties*
 24 *Oil Company* (2020) 53 Cal.App.5th 476.)

25 6. At the mediation, Maloney and Defendants agreed to resolve Maloney’s individual
 26 (i.e., non-PAGA) claims by way of an individual settlement between her and Defendants.
 27 However, approval by the Sacramento Superior Court of this Stipulation is a condition precedent
 28 to the Parties’ agreement to settle Maloney’s individual claims against Defendants.

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7. In light of the foregoing, the Parties jointly, voluntarily, and knowingly seek dismissal of this action in its entirety with prejudice, including dismissal of Maloney's PAGA claim with prejudice.

8. All Parties are to bear their own attorneys' fees and costs upon dismissal.

9. The Parties jointly agree and request that the Court maintain jurisdiction over the Parties to enforce this Stipulation pursuant to Code of Civil Procedure section 664.6. The Parties further agree and request that to the extent the Court enters an order granting approval of this Stipulation, the Court shall also maintain jurisdiction over the Parties to enforce the separate settlement agreement of Maloney's individual claims against Defendants.

IT IS SO STIPULATED.

DATED: 12/1/2021

DOWNEY BRAND LLP

By:



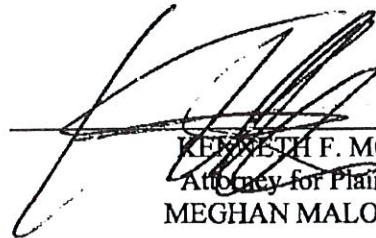
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SHIN TAKESHIMA; and Defendants NORMAN
R. LEAL AND CAROL R. LEAL, TRUSTEES
OF THE LEAL FAMILY TRUST DATED
MARCH 30, 2021

DATED: 1/29/22

LAW OFFICE OF KENNETH F. MOSS

By:



KENNETH F. MOSS
Attorney for Plaintiff
MEGHAN MALONEY

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~~PROPOSED~~ ORDER

Upon review of the foregoing Stipulation entered into by and between the Parties in the above-referenced action, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Stipulated Request for Dismissal with Prejudice is GRANTED. The action in its entirety, including Plaintiff Meghan Maloney's PAGA claim, is hereby dismissed with prejudice. All Parties shall bear their own attorneys' fees and costs upon dismissal.

IT IS FURTHER ORDERED that the Court shall maintain jurisdiction over the Parties pursuant to Code of Civil Procedure section 664.6 to enforce the terms of the foregoing Stipulation and the separate settlement agreement of Maloney's individual claims against Defendants.

DATED: 12/13/22

JILL H. TALLEY

JUDGE OF THE SUPERIOR COURT