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21 COMPANY OF COLUMBUS

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 01 2022

By W. Langan Deputy

ADRIANA CINQUEMANI, an individual,
and on behalf of herself and all others
similarly situated,

Plaintiff,

v.

AMERICAN FAMILY LIFE ASSURANCE
COMPANY OF COLUMBUS, a Georgia
corporation; and does 1 through 50, inclusive,

Defendants.

Case No. CIVSB2135234

Hon. David Cohn
Dept. S-26

**JOINT STIPULATION TO REQUEST
COURT ORDER RE DISMISSAL OF
ACTION; [PROPOSED] ORDER**

Action Filed: December 29, 2021

\$20.00
SL-2022-63639

JOINT STIPULATION TO REQUEST COURT ORDER RE DISMISSAL OF ACTION

401766800.1

MANATT, PHELPS &
PHILLIPS, LLP
ATTORNEYS AT LAW
LOS ANGELES

1 **STIPULATION**

2 **IT IS HEREBY STIPULATED** by and between Plaintiff ADRIANA O. CINQUEMANI
3 (“Plaintiff”) and Defendant AMERICAN FAMILY LIFE ASSURANCE COMPANY OF
4 COLUMBUS (“Defendant”) (collectively, “the Parties”), by and through their undersigned
5 counsel of record, that:

6 **RECITALS**

7 WHEREAS, on or around December 29, 2021, Plaintiff filed this Action, asserting wage
8 and hour claims in a class action on behalf of herself and all other similarly situated employees
9 within the State of California, alleging nine causes of action as follows: (1) failure to pay all
10 minimum wages, (2) failure to provide rest periods or premium pay in lieu thereof, (3) failure to
11 provide meal periods or premium pay in lieu thereof, (4) failure to maintain accurate employment
12 records, (5) failure to timely pay wages, (6) failure to pay all wages upon termination, (7) failure to
13 reimburse necessary business expenses, (8) failure to furnish accurate itemized wage statements,
14 all pursuant to California’s Labor Code, and (9) violations of California’s Unfair Competition Law;

15 WHEREAS, on or around May 20, 2022, Plaintiff filed a request for dismissal of Causes of
16 Action 1-9 (the “Class Claims”) without prejudice, which the Court dismissed as requested that
17 same day;

18 WHEREAS, on or around August 3, 2022, Plaintiff filed and served a First Amended
19 Complaint (“FAC”) seeking penalties on behalf of herself and aggrieved employees under the
20 Private Attorneys General Act (“PAGA”) for alleged Labor Code violations;

21 WHEREAS, Plaintiff granted Defendant a 15-day extension to respond to the Complaint
22 pursuant to Rule of Court 3.100(d), which resulted in a September 22, 2022 deadline for Defendant
23 to respond to the FAC;

24 WHEREAS, on or around October 26, 2022, the Parties fully executed a settlement
25 agreement as to Plaintiff. Pursuant to the settlement agreement, the parties agree that Defendant is
26 dismissed: (1) with prejudice as to Plaintiff’s individual claims and Plaintiff’s class and PAGA
27 claims in an individual and a representative capacity as to her, as alleged in the Complaint and First
28 Amended Complaint; and (2) without prejudice as to the other aggrieved employees’ representative

1 claims, as alleged in the Complaint and First Amended Complaint. The Class Claims in Causes of
2 Action 1-9 in the Complaint were previously dismissed without prejudice;

3 NOW THEREFORE, the Parties hereby stipulate to the following:

4 The entire action should be dismissed as to all parties and all causes of action. Defendant
5 should be dismissed: (1) with prejudice as to Plaintiff's individual claims and Plaintiff's class and
6 PAGA claims in an individual and a representative capacity as to her, as alleged in the Complaint
7 and First Amended Complaint; and (2) without prejudice as to the other aggrieved employees'
8 PAGA representative claims, as alleged in the Complaint and First Amended Complaint.

9
10 **SO STIPULATED AND AGREED.**

11
12 Dated: October 28, 2022

Respectfully Submitted,

13 MELMED LAW GROUP

14
15 By: /s/ Megan E. Ross

Megan E. Ross

16 Attorneys for Plaintiffs

17 Adriana O. Cinquemani and all aggrieved employees

18
19 Dated: October 28, 2022

Respectfully Submitted,

20 MANATT, PHELPS & PHILLIPS, LLP

21
22 By: /s/ Esra Acikalin Hudson

Esra Acikalin Hudson

23 Lauren Chee

Attorneys for Defendant

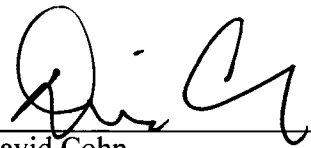
24 AMERICAN FAMILY LIFE ASSURANCE
25 COMPANY OF COLUMBUS
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PROPOSED ORDER

GOOD CAUSE APPEARING THEREFORE, AND PURSUANT TO THE PARTIES' STIPULATION, on the motion of the Court, it is hereby ordered that the entire action is dismissed as to all parties and all causes of action. Defendant is dismissed: (1) with prejudice as to Plaintiff's individual claims and Plaintiff's class and PAGA claims in an individual and a representative capacity as to her, as alleged in the Complaint and First Amended Complaint; and (2) without prejudice as to the other aggrieved employees' PAGA representative claims, as alleged in the Complaint and First Amended Complaint. The Class Claims in Causes of Action 1-9 in the Complaint were previously dismissed without prejudice.

IT IS SO ORDERED.

Date: 11/1, 2022



Hon. David Cohn
Judge, San Bernardino County Superior Court

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