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7 Attorneys for Plaintiff
Michael Jokel

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10
11 MICHAEL JOKEL,

12 Plaintiff,

13 v.

14 NUMSP LLC, a Delaware limited liability
15 company d/b/a NETFUSION, and DOES 1
16 through 10, inclusive,

17 Defendants.

CASE NO. 22VECV01115

*Assigned to the Honorable Valerie Salkin,
Dept. U*

**DECLARATION OF DANIEL F. GAINES
IN SUPPORT OF REQUEST FOR
DISMISSAL OF REPRESENTATIVE
ACTION**

[Filed Concurrently: Request for Dismissal]

Complaint Filed: August 4, 2022

1 I, Daniel F. Gaines, declare as follows:

2 1. I am an attorney duly admitted to practice law in the State of California and I am a
3 managing shareholder at Gaines & Gaines, APLC, counsel of record for Plaintiff MICHAEL JOKEL
4 (“Plaintiff”) in this matter. The matters set forth herein are of my own personal knowledge, and if
5 sworn as a witness, I could and would testify competently thereto.

6 2. On August 4, 2022, Plaintiff filed the instant Action seeking damages on a
7 representative basis, on behalf of himself and all “aggrieved employees,” for Defendant NUMSP
8 LLC’s (“Defendant”) violations of California Labor Code and the Private Attorneys’ General Act of
9 2004 (“PAGA”), codified as § 2698, *et seq.* The alleged violations occurred when Plaintiff worked
10 for Defendant in Los Angeles County, California.

11 3. My office has ascertained that Plaintiff’s claims are quite individual. Furthermore,
12 liability is disputed. This determination is based on information provided by Defendant through
13 discovery in this matter.

14 4. The Parties have negotiated a settlement of Plaintiff’s individual claims only, and the
15 PAGA claims will be dismissed without prejudice, as set forth in the concurrently-filed request for
16 dismissal¹.

17 5. The settlement of this Action does not provide for the waiver of any claims by anyone
18 other than Plaintiff and does not provide for the waiver of PAGA claims asserted on behalf of any
19 employee or the State, such that there is no allocation of civil penalties in the Settlement.

20 6. Plaintiff, therefore, requests that the Court enter a dismissal of this action ***with***
21 ***prejudice*** as to Plaintiff’s individual claims and dismissal ***without prejudice*** of the representative
22 action claims, pursuant to the request submitted concurrently herewith.

23 7. Concurrent with the filing of this Request for Dismissal, the Parties have submitted
24 the full Settlement Agreement to the LWDA in compliance with Labor Code section 2699(1)(2).

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28 ¹ Plaintiff’s Counsel is prepared to communicate with the Court *in camera* regarding all facts relating
to the confidential settlement, should the Court request further information.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct and was executed on November 23, 2022, at Westlake Village, California.

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4 *Daniel F. Gaines*

5 DANIEL F. GAINES
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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 November 23, 2022, I served the foregoing document described as **DECLARATION OF DANIEL F.**
6 **GAINES IN SUPPORT OF REQUEST FOR DISMISSAL OF REPRESENTATIVE ACTION** on the interested
7 parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

NUMSP, LLC, a Delaware limited liability company Agent for Service of Process CT Corporation 330 North Brand Blvd, #700 Glendale, CA 91203	Leila Narvid PAYNE & FEARS LLP 235 Pine Street, Suite 1175 San Francisco, CA 94104
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11 x (BY ☐ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
12 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection
13 and processing correspondence for mailing. It is deposited with United States postal service on that same
14 day in the ordinary course of business. I am aware that on motion of party served, service is presumed
15 invalid if postal cancellation date or postage meter date is more that one day after date of deposit for
16 mailing in affidavit.

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

20 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Westlake Village, California, I
21 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant
22 to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine
23 was (818)703-8984 and the telephone number(s) of the receiving facsimile machine was () - .
24 A transmission report was properly issued by the sending facsimile machine, and the transmission was
25 reported as complete and without error. Copies of the facsimile transmission cover sheet and the
26 transmission report are attached to this proof of service.

27 _____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
28 delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

_____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

_____ (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 November 23, 2022, at Westlake Village, California.

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JEREMY REYES