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Attorneys for Plaintiff Sal Hernandez, individually and on behalf of all similarly situated individuals

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

SAL HERNANDEZ, individually and on
behalf of all similarly situated individuals,

Plaintiff,

v.

ANDONIAN ENTERPRISES, INC., a
California corporation, d/b/a DISCOUNT
TIRE & SERVICE CENTERS, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: 22STCV21523

*Assigned to the Hon. Kenneth R. Freeman,
Dept. SS14*

**PLAINTIFF'S REQUEST FOR
DISMISSAL OF CLASS AND
REPRESENTATIVE ACTION;
~~PROPOSED~~ ORDER**

[Filed Concurrently: Declaration of Daniel F.
Gaines in Support of Request for Dismissal of
Class and Representative Action]

Action Filed: July 1, 2022

FILED
Superior Court of California
County of Los Angeles
08/04/2023

David W. Slayton, Executive Officer / Clerk of Court

By: E. Muñoz Deputy

1 **REQUEST FOR DISMISSAL**

2 Based on the facts set forth in the concurrently-filed Declaration of Daniel F. Gaines, Plaintiff
3 SAL HERNANDEZ hereby requests that the Court enter a dismissal of this action ***WITH***
4 ***PREJUDICE*** as to Plaintiff's individual claims and ***WITHOUT PREJUDICE*** as to the class and
5 representative action claims.

6 Dated: May 30, 2023

Respectfully submitted,
GAINES & GAINES, APLC

8 By:

9 
DANIEL F. GAINES
Attorneys for Plaintiff

10
11 **PROPOSED ORDER**

12 Based on the Request for Dismissal and the concurrently-filed Declaration of Daniel F.
13 Gaines, it is hereby ORDERED that this action is dismissed WITH PREJUDICE as to Plaintiff's
14 individual claims and WITHOUT PREJUDICE as to the class and representative action claims.

15
16 Dated: 08/04/2023



17 
JUDGE OF THE SUPERIOR COURT
Kenneth R. Freeman / Judge

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 May 30, 2023, I served the foregoing document described as **PLAINTIFF'S REQUEST FOR**
6 **DISMISSAL OF CLASS AND REPRESENTATIVE ACTION; [PROPOSED] ORDER** on the interested parties in
7 this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **Vatché Chorbajian, Esq.**
9 **Alain Chorbajian, Esq.**
10 **Chandler Caffery, Esq.**
11 **LAW OFFICES OF VATCHE CHORBAJIAN, APC**
12 **P.O. Box 661**
13 **Rancho Santa Fe, CA 92067**

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

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

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

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

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

23 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the Labor
24 & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov)
25 in accordance with the procedure imposed by the LWDA.

26 I certify that the above document was printed on recycled paper.

27 I declare under penalty of perjury that the foregoing is true and correct.

28 Executed on May 30, 2023, at Westlake Village, California.



AMELIA BOOTH