

BRUCE J. HIGHMAN, CBN 101760
HIGHMAN & HIGHMAN
A PROFESSIONAL LAW ASSOCIATION
582 Market Street, Suite 1212
San Francisco, CA 94104
Telephone: (415) 982-5563
Fax: (415) 982-5202
Email: bruce.highman@highmanlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CINDY COLLEY, an individual,

Plaintiff,

-v-

SNAPMEDTECH, INC. DBA
SNAPNURSE, a corporation; and DOES 1-
10, inclusive,

Defendants.

No. 22-cv-03884-HSG

STIPULATION TO DISMISS ACTION;
DECLARATION OF BRUCE
HIGHMAN IN SUPPORT OF
STIPULATION; ORDER

The parties hereto, by and through their respective attorneys, hereby stipulate to dismissal of the above-entitled action pursuant to FRCP 41(a)(1). No party shall seek an award of costs or attorneys' fees from the Court.

The current operative complaint, the second amended complaint ("SAC"), alleges thirteen claims for relief. The first twelve claims are plaintiff Cindy Colley's individual claims. The thirteenth claim is a representative claim under the California Labor Code Private Attorneys General Act ("PAGA") which plaintiff Colley ("Colley") has brought on behalf of herself and other employees of defendant SnapMedTech, Inc. dba SnapNurse ("SnapNurse") for violations of Labor Code §§ 1102.5, 6310, 232.5, 98.6 and 1198.5 allegedly committed against Colley and the other employees. As to the first twelve claims for relief, this dismissal is with prejudice. As to the thirteenth claim under PAGA, this dismissal is with prejudice as to Colley, and without prejudice

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as to the other employees on whose behalf it has been brought.

DATED: February 8, 2023

/s/ Bruce J. Highman
Bruce J. Highman
Highman & Highman
Attorneys for Plaintiff

DATED: February 8, 2023

/s/ Lonnie D. Giamela
Lonnie D. Giamela
Fisher & Phillips LLP
Attorneys for Defendant
SnapMedTech, Inc. dba SnapNurse

DECLARATION OF BRUCE HIGHMAN IN SUPPORT OF STIPULATION

I, Bruce J. Highman, hereby declare:

1. I am plaintiff Cindy Colley's ("Colley's") attorney of record.

2. As indicated above in the stipulation, the first twelve claims in the second amended complaint ("SAC") are Colley's individual claims. The thirteenth claim is a representative claim under the California Labor Code Private Attorneys General Act ("PAGA") which Colley has brought on behalf of herself and other employees against defendant SnapMedTech, Inc. dba SnapNurse ("SnapNurse") for violations of Labor Code §§ 1102.5, 6310, 232.5, 98.6 and 1198.5.

3. Colley has reached an individual settlement in this matter with SnapNurse. The settlement in no way affects the rights and claims of the other employees on whose behalf Colley has brought the PAGA claim. The other employees will not be prejudiced as dismissal of the PAGA claim as to them will be without prejudice.

4. For these reasons, I respectfully request on Colley's behalf that the Court sign and enter the [Proposed] Order below dismissing the entire action as follows with no party seeking an award of attorneys' fees or costs from the Court: (1) dismiss the first twelve claims in the SAC with prejudice; and (2) dismiss the thirteenth claim under PAGA with prejudice as to Colley, and without prejudice as to the other employees on whose behalf Colley has brought the claim;

I declare under penalty of perjury under the laws of the United States that the foregoing is

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1 true and correct, and that this declaration was executed on February 8, 2023.

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3 /s/ Bruce J. Highman
4 Bruce J. Highman

5 ORDER

6 Pursuant to stipulation, it is ordered that that this action be dismissed in its entirety as follows
7 with no party seeking an award of attorneys' fees or costs from the Court: (1) the first twelve claims
8 for relief in the second amended complaint, which is the current operative complaint, are dismissed
9 with prejudice; and (2) the thirteenth claim under the California Labor Code Private Attorneys
10 General Act ("PAGA") is dismissed with prejudice as to plaintiff Cindy Colley and without
11 prejudice as to the other employees on whose behalf Colley has brought the claim.

12 DATED: 2/10/2023

13 Haywood S. Gilliam, Jr.
14 Honorable Haywood S. Gilliam, Jr.
15 United States District Judge
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