

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, California 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Hector Perez, on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN

HECTOR PEREZ, on behalf of himself and all
“aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

N M FOOD, INC., a California corporation,
TACO BROS, INC., a California corporation,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO: BCV-22-102741

Assigned to the Hon. T. Mark Smith, Dept. T2

**PLAINTIFF’S REQUEST FOR
DISMISSAL; [PROPOSED] ORDER**

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

Complaint Filed: October 17, 2022

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

Dated: November 14, 2023

By: Daniel F. Gaines
DANIEL F. GAINES
Attorneys for Plaintiff

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

Dated: _____

JUDGE OF THE SUPERIOR COURT

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 14, 2023, I served the foregoing document described as **PLAINTIFF'S REQUEST FOR**
6 **DISMISSAL; [PROPOSED] ORDER** on the interested parties in this action by placing a true copy thereof enclosed in
7 sealed envelopes addressed as follows:

8 **Kaleb L. Judy, Esq. kaleb@bbr.law**
9 **James R. Harvey, Esq. james@bbr.law**
10 **Brian J. Hill, Esq. briam@bbr.law**
11 **BELDEN BLAINE RAYTIS**
12 **5016 California Avenue, Ste. 3**
13 **Bakersfield, CA 93309**

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 X (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission
24 via email pursuant to an agreement between counsel on the counsel of record listed above.

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

28 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 14, 2023, at Westlake Village, California.

22 
23 _____
24 JEREMY REYES