

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
PLAINTIFF JEYAKANTH SELVARANJAN
2. Title of the proposed order:
STIPULATION AND [PROPOSED] ORDER APPROVING VOLUNTARY DISMISSAL OF PAGA CLAIMS
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: **STIPULATED MATTER, NO HEARING**
 - b. Date and time:
 - c. Place:
4. The proposed order was served on the other parties in the case.

Mark Freeman
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:	CASE NUMBER: 16CV295346
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**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

VENARDI ZURADA LLP, 700 YGNACIO VALLEY ROAD SUITE 300, WALNUT CREEK, CA 94596

b. My electronic service address is (*specify*): MFREEMAN@VEFIRM.COM

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

DANIEL P. MCKINNON, ESQ., ROPERS MAJESKI, KOHN & BENTLEY
50 WEST SAN FERNANDO STREET, SUITE 1400
SAN JOSE, CA 95113-2429

b. To (*electronic service address of person served*): DANIEL.MCKINNON@RMKB.COM

c. On (*date*): 5/3/18

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Mark Freeman
(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

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Attorneys for Plaintiff
JEYAKANTH SELVARANJAN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA – UNLIMITED CIVIL CASE**

**JEYAKANTH SELVARANJAN, an
individual,**

Plaintiff,

vs.

**MADURAI APPU, INC., a California
corporation; and DOES 1 through 100,
inclusive,**

Defendants.

) Case No. 16-CV-295346

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) **STIPULATION AND [PROPOSED] ORDER**
) **APPROVING VOLUNTARY DISMISSAL OF**
) **PAGA CLAIMS**

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STIPULATION AND [PROPOSED] ORDER APPROVING VOLUNTARY DISMISSAL OF PAGA CLAIMS
Case No.: 16-CV-295346

1 Plaintiff JEYAKANTH SELVARANJAN and MADURAI APPU, INC. hereby stipulate
2 as follows:

- 3 1. This case was originally filed on May 19, 2016. The case originally had two named
4 Plaintiffs, Jeyakanth Selvaranjan and Nirupan Aminthalingam ("Mr. Aminthalingam").
- 5 2. In late 2016, Mr. Aminthalingam informed his counsel that he wished to withdraw from
6 this lawsuit. Plaintiffs' counsel did not know, and still does not know, why Mr.
7 Aminthalingam requested to withdraw from the lawsuit.
- 8 3. After an unopposed motion to amend, Plaintiff filed a First Amended Complaint to add
9 PAGA claims on October 18, 2016. The FAC added PAGA claims and removed
10 Mr. Aminthalingam from this matter thus honoring his request.
- 11 4. After the filing of the FAC and during the course of discovery and mediation, the parties
12 determined that Mr. Selvaranjan did not have a viable PAGA claim because he had left
13 more than 12 months prior to the filing of this action. Mr. Selvaranjan thus did not have
14 standing to pursue a PAGA claim because his 12-month statute of limitations had expired
15 prior to the sending of the PAGA letter and filing of the lawsuit. Mr. Aminthalingam,
16 who was within the statute of limitations on the PAGA claim, because he was a current
17 employee at the time the lawsuit was filed, was no longer a plaintiff in the matter. Thus,
18 the only remaining plaintiff, Mr. Selvaranjan, could not maintain a viable PAGA claim.
- 19 5. The parties respectfully request the Court dismiss the PAGA claim in this litigation with
20 prejudice as to Mr. Selvaranjan.
- 21 6. A copy of this Stipulation and Order will be sent concurrently to the LWDA.

22 IT IS SO STIPULATED.

23 Dated: ^{Msy} April 3, 2018

VENARDI ZURADA LLP

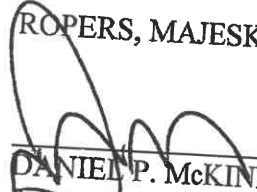


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K. MAYURAN

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Fax: (925) 937-3905

1 Dated: ^{May 1} April __, 2018

2 ROPERS, MAJESKI, KOHN & BENTLEY

3
4 
5 DANIEL P. McKINNON
6 Attorneys for Defendant,
7 MADURAI APPU, INC.

8
9 **[PROPOSED] ORDER**

10 The Court has reviewed the Stipulation of the Parties. After full consideration of the
11 Stipulation and all papers and records on file herein, IT IS HEREBY ORDERED that the
12 Fourteenth Cause of Action of Plaintiff's First Amended Complaint (claims under the Labor
13 Code Private Attorneys General Act of 2004) is DISMISSED with prejudice. Plaintiff shall
14 provide the LWDA with a copy of this Order.

15 IT IS SO ORDERED.

16 Dated: _____

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18 _____
19 JUDGE OF THE SUPERIOR COURT

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STIPULATION AND [PROPOSED] ORDER APPROVING VOLUNTARY DISMISSAL OF PAGA CLAIMS
Case No.: 16-CV-295346