

AEGIS LAW FIRM, PC

SAMUEL A. WONG, State Bar No. 217104

KASHIF HAQUE, State Bar No. 218672

JESSICA L. CAMPBELL, State Bar No. 280626

STUART H. KLUFT, State Bar No. 315081

9811 Irvine Center Drive, Suite 100

Irvine, California 92618

Telephone: (949) 379-6250

Facsimile: (949) 379-6251

Email: jcampbell@aegislawfirm.com

skluft@aegislawfirm.com

Attorneys for Plaintiff, Jasmine Howard
individually, and on behalf of all others similarly situated.

MUNCK WILSON MANDALA LLP

JAMES H. BERRY, JR. State Bar No. 075834

1925 Century Park East, Suite 2300

Los Angeles, CA 90067

Telephone: (310) 855-3311

Facsimile: (972) 628-3616

E-mail: jberry@munckwilson.com

Attorneys for Defendants

Food Rocket, LLC and Foodcast, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

JASMINE HOWARD, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

FOOD ROCKET LLC; FOODCAST, INC.;
and DOES 1 through 20, inclusive,

Defendants.

Case No. CGC-22-601259

Assigned for All Purposes to:

Judge Ethan P. Schulman

Dept. 304

**JOINT STIPULATION TO REQUEST TO
DISMISS INDIVIDUAL CLAIMS WITH
PREJUDICE, CLASS AND
REPRESENTATIVE PAGA CLAIMS
WITHOUT PREJUDICE PURSUANT TO
SETTLEMENT OF INDIVIDUAL CLAIMS;
[PROPOSED] ORDER**

*[Declaration of Stuart H. Kluft is filed
concurrently herewith]*

Complaint Filed: August 15, 2022

Trial Date: None Set

1 Plaintiff Jasmine Howard ("Plaintiff") and Defendants Food Rocket LLC and Foodcast, Inc.
2 ("Defendants") (collectively "Parties"), through their undersigned counsel, enter into the following
3 stipulation:

4 **WHEREAS**, on August 15, 2022, Plaintiff brought a putative wage and hour class action in this
5 Court alleging nine (9) causes of action on behalf of himself and the putative class.

6 **WHEREAS**, on June 7, 2023, Plaintiff amended the Complaint to add a tenth cause of action, a
7 claim for a representative Private Attorney General Act of 2004 ("PAGA") action.

8 **WHEREAS**, Defendants have ceased operations and have provided Plaintiff sufficient
9 information, documents, and data for Plaintiff to understand that Defendants are facing significant
10 financial hardships whereby any reasonable class action and/or PAGA representative action settlement
11 and/or judgment may not ever be paid to the Class Members and/or LWDA and Aggrieved Employees.

12 **WHEREAS**, Plaintiff desires to dismiss her individual claims with prejudice pursuant to an
13 individual settlement reached between the Parties solely for her individual claims alleged and that could
14 have been alleged on an individual basis only.

15 **WHEREAS**, Plaintiff no longer desires to be a class representative or representative to the PAGA
16 action and therefore requests to have the class-action claims (Causes of Action 1-9) and representative
17 PAGA claims dismissed without prejudice.

18 **WHEREAS**, a declaration from Plaintiff's counsel supporting the Request for Dismissal, which
19 states no direct or indirect consideration is being given for Plaintiff's dismissal of Class Claims and no
20 notice of the dismissal needs to be provided to class members in compliance with Cal. Rules of Court
21 3.770, is filed concurrently with this stipulation.

22 **STIPULATION**

23 **NOW THEREFORE**, the Parties by and through their attorneys of record, hereby stipulate and
24 agree as follows:

- 25 1. The Parties have reached a settlement solely based on Plaintiff's individual claims alleged,
26 and which could have been alleged, on an individual basis only;
27 2. Plaintiff requests that her individual causes of action be dismissed with prejudice; and
28

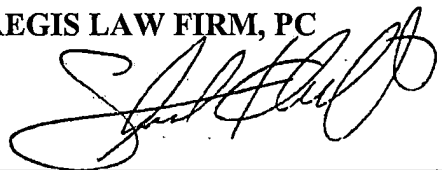
1 3. Plaintiff no longer desires to be a class representative or representative to the PAGA action
2 and therefore requests to have the class-action claims (Causes of Action 1-9) and
3 representative PAGA claim (Cause of Action 10) dismissed without prejudice.

4 4. This action shall be dismissed in its entirety as provided above.

5 **SO STIPULATED.**

6
7 Dated: November 8, 2023

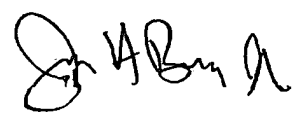
AEGIS LAW FIRM, PC

8
9 By: 

10 Stuart H. Kluft
11 Attorneys for Plaintiff Jasmine Howard

12 Dated: November 8, 2023

MUNCK WILSON MANDALA LLP

13
14 By: 

15 James H. Berry, Jr.
16 Attorneys for Defendants
17 Food Rocket, LLC and Foodcast, Inc.
18
19
20
21
22
23
24
25
26
27
28

PROPOSED ORDER

Based on the parties' Joint Stipulation and the Declaration of Stuart H. Kluft, the Court finds that the Parties have reached an individual settlement solely based on Plaintiff Jasmine Howard's ("Plaintiff") individual claims alleged, and which could have been alleged on an individual basis only. No direct, or indirect, consideration has been given to Plaintiff for the dismissal without prejudice of her alleged putative class claims or for the dismissal without prejudice of her alleged PAGA representative claims. Therefore, **GOOD CAUSE** is found and this Court **ORDERS** the following:

1. This action is dismissed in its entirety.
2. Plaintiff's individual claims/causes of action are dismissed **with prejudice**;
3. Plaintiff's putative class claims/causes of action are dismissed **without prejudice**; and
4. Plaintiff's representative PAGA claims/causes of action are dismissed **without prejudice**.

Plaintiff shall submit a copy of this order to the LWDA within 10 days after
IT IS SO ORDERED. *entry of the order pursuant to Lab. Code §2699(e)(3).*

Dated: Dec. 1, 2023

By Ethan P. Schulman
Honorable Ethan P. Schulman
Judge of the Superior Court of California