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Attorneys for Plaintiff Lovelle Mixon, on behalf of himself and on behalf of all similarly situated individuals

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

LOVELLE MIXON, on behalf of himself and
on behalf of all similarly situated individuals,

Plaintiff,

v.

BAY AREA TRUSTED LOGISTICS LLC, a
California limited liability company, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: C23-00386

*Assigned to the Honorable Charles S. Treat,
Dept. 12*

**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]

*Complaint Filed: February 21, 2023
FAC Filed: April 17, 2023*

1 **REQUEST FOR DISMISSAL**

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

6 Dated: June 14, 2024

Respectfully submitted,
GAINES & GAINES, APLC

7
8 By: Daniel F. Gaines
9 DANIEL F. GAINES
10 Attorneys for Plaintiff

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 is dismissed WITHOUT PREJUDICE as to the class and representative action
15 claims.

16
17 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 June 14, 2024, I served the foregoing document described as **PLAINTIFF'S REQUEST FOR DISMISSAL**
6 **OF CLASS AND REPRESENTATIVE ACTION; [PROPOSED] ORDER** on the interested parties in this action by
7 placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **Keenan P. O'Connor, Esq.- keenan.oconnor@ogletreedeakins.com**

9 **Yousaf M. Jafri, Esq.- yousaf.jafri@ogletree.com**

10 **Tim Johnson, Esq.- tim.johnson@ogletreedeakins.com**

11 **OGLETREE DEAKINS**

12 **4660 La Jolla Village Drive, Suite 900**

13 **San Diego, CA 92122**

14 **Cc: Alicia Martinez- alicia.martinez@ogletreedeakins.com**

15 **Lisa Bernard- lisa.bernard@ogletreedeakins.com**

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

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

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

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

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 June 14, 2024, at Westlake Village, California.

23 *Amelia Booth*

24 AMELIA BOOTH