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Attorneys for Plaintiff Rene Simmons, on behalf of herself and on behalf of all similarly situated individuals

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

RENE SIMMONS, on behalf of herself and on
behalf of all similarly situated individuals,

Plaintiff,

v.

PACIFIC FUEL & AUTO SERVICES, INC., a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: 34-2023-00335761

**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: March 7, 2023
FAC Filed: May 8, 2023

1 **REQUEST FOR DISMISSAL**

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

6 Dated: August 18, 2023

Respectfully submitted,
GAINES & GAINES, APLC

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8 By:


9 DANIEL F. GAINES
Attorneys for Plaintiffs

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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.

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17 Dated: _____

18 JUDGE OF THE SUPERIOR COURT
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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 August 18, 2023, I served the foregoing document described as **PLAINTIFF'S REQUEST**
6 **FOR DISMISSAL OF CLASS AND REPRESENTATIVE ACTION; [PROPOSED] ORDER** on the interested
7 parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **Laura McHugh, Esq.**
9 **laura@dugganmchugh.com**
10 **DUGGAN MCHUGH LAW CORPORATION**
11 **641 Fulton Avenue, Suite 100**
12 **Sacramento, CA 95825**
13 **Cc: lizett@dugganmchugh.com**

14 X

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

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

24 X

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

27 X

28 (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the Labor
& 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 August 18, 2023, at Westlake Village, California.

23 
24 _____
25 AMELIA BOOTH