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Attorneys for Plaintiff JOSEPHINE TEHRANI

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

JOSEPHINE TEHRANI, individually and on
behalf of all others similarly situated,
Plaintiff,

v.

METAPHRENIE, INC a foreign corporation;
and DOES 1 through 50, inclusive,
Defendants.

Case No.: 23STCV14565
Hon. Kenneth R. Freeman Dept. 14

**REQUEST FOR DISMISSAL OF ENTIRE
ACTION WITH PREJUDICE TO
PLAINTIFF AND WITHOUT
PREJUDICE TO THE PUTATIVE CLASS
PURSUANT TO CALIFORNIA RULE OF
COURT 3.770; DECLARATION OF
FRANK H. KIM IN SUPPORT**

Complaint Filed: June 22, 2023
Trial Date: Not Set

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DECLARATION OF FRANK H. KIM

I, Frank H. Kim, hereby declare as follows:

1. I am an attorney admitted before all courts of the State of California. I am the owner of Kim Legal, APC, counsel of record for Plaintiff Josephine Tehrani (“Plaintiff”) in this action. I make this declaration from my own personal knowledge, and, if called upon, I would and could competently testify to the following matters.

2. This declaration is submitted pursuant to California Rules of Court, rule 3.770(a). Plaintiff hereby requests dismissal of her individual claims with prejudice and her PAGA and class allegations without prejudice.

3. On June 22, 2023, Plaintiff filed the instant class action with the following claims: (1) Failure to Pay All Overtime Wages; (2) Failure to Provide Accurate Wage Statements; (3) Failure to Pay All Wages Due and Owing on Separation; and (4) Unlawful Business Practices. On June 22, 2023, Plaintiff submitted a claim notice with the LWDA, LWDA Case No. LWDA-CM-963796-23.

4. After the filing of the lawsuit, Plaintiff's counsel met and conferred with defense counsel regarding the merits of the case. The parties also discussed issues related to Defendant's ability to pay.

5. Based on these discussions, the Parties agreed to settle Plaintiff's individual claims only for \$10,000 and dismiss the PAGA claim and class allegations without prejudice.

6. Plaintiff has not received any consideration, direct or indirect, in exchange for her request to dismiss her class allegations.

7. Plaintiff submits that the instant settlement does not prejudice any putative class member, so there is no need for any sort of notice to be given under California Rules of Court, Rule 3.770(c). No class was certified and no notice was ever provided to any potential class members about this action.

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1 8. On January 10, 2024, Plaintiff served a copy of this Request For Dismissal by
2 uploading it to the LWDA website.

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

5 Executed on January 10, 2024, in Los Angeles, California.

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9 _____
Frank H. Kim

PROOF OF SERVICE
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 3435 Wilshire Blvd., Suite 2700, Los Angeles, CA 90010.

On January 10, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF FRANK H. KIM IN SUPPORT OF PLAINTIFF'S REQUEST FOR DISMISSAL OF ENTIRE ACTION WITHOUT PREJUDICE** on the interested parties below as follows:

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Attorneys for Plaintiff Josephine Tehrani

(BY ELECTRONIC TRANSMISSION) I caused a copy of the document(s) to be uploaded via Case Anywhere per the Court's Order Authorizing Electronic Service and/or emailed to the parties listed above.

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

Executed on January 10, 2024, at Los Angeles, California.

/s/ Frank H. Kim
Frank H. Kim