

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
2 ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
3 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
4 **GAINES & GAINES, APLC**
4550 East Thousand Oaks Boulevard, Suite 100
5 Westlake Village, CA 91362
Telephone: (818) 703-8985
6 Facsimile: (818) 703-8984

7 Attorneys for Plaintiff Fulvia Manzanares, on behalf of herself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*

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

11 FULVIA MANZANARES, on behalf of
12 herself and all "aggrieved employees" pursuant
13 to Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 MALIBU FARM RESTAURANT AT THE
17 PIER, a California corporation, and DOES 1
through 10, inclusive,

18 Defendants.
19
20
21
22
23
24
25
26
27
28

CASE NO: 23SMCV04135

*Assigned to the Hon. Michael E. Whitaker,
Dept. 207*

**PLAINTIFF'S REQUEST FOR
DISMISSAL; [PROPOSED] ORDER**

[Filed Concurrently: Declaration of Daniel F.
Gaines in Support of Request for Dismissal of
Representative Action]

Complaint Filed: August 30, 2023

1 **REQUEST FOR DISMISSAL**

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

6 Dated: December 5, 2023

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 WITHOUT PREJUDICE as to the PAGA representative claims.

15
16 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 December 6, 2023, I served the foregoing document described as **PLAINTIFF'S REQUEST FOR**
6 **DISMISSAL; [PROPOSED] ORDER** on the interested parties in this action by placing a true copy thereof enclosed in
7 sealed envelopes addressed as follows:

8 **Carl J. Lehman, Esq.**
9 **DENTONS US LLP**
10 **4655 Executive Drive, Suite 700**
11 **San Diego, CA 92121**

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

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

21 _____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission
22 via email pursuant to an agreement between counsel on the counsel of record listed above.

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

26 I certify that the above document was printed on recycled paper.

27 I declare under penalty of perjury that the foregoing is true and correct.

28 Executed on December 6, 2023, at Westlake Village, California.

29 
30 _____
31 JEREMY REYES