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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

AMANDA SIRA, individually, and on behalf of
other members of the general public similarly
situated and on behalf of other aggrieved
employees pursuant to the California Private
Attorneys General Act;

Plaintiff,

vs.

FOUNDATION PARTNERS GROUP, LLC, a
Delaware limited liability company; MISSION
MORTUARY, an unknown business entity; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 37-2023-00036172-CU-OE-CTL

Honorable James A. Mangione
Department C-75

CLASS ACTION

**REQUEST FOR DISMISSAL OF
PLAINTIFF'S INDIVIDUAL, CLASS,
AND PAGA CLAIMS AGAINST
DEFENDANT MISSION MORTUARY
WITHOUT PREJUDICE**

[Declaration of Selena Matavosian and
[Proposed] Order filed concurrently
herewith]

Complaint Filed: August 21, 2023
FAC Filed: December 18, 2023
Trial Date: None Set

TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff Amanda Sira (“Plaintiff”) by and through her counsel of record, hereby requests, the Court to enter an order dismissing Plaintiff’s individual, Class, and PAGA Claims against Defendant Mission Mortuary without prejudice, as follows:

WHEREAS, on August 21, 2023, Plaintiff filed a Class Action Complaint for Damages (“Original Complaint”) against Defendants Foundation Partners Group, LLC and Mission Mortuary in the Superior Court of California for the County of San Diego (“Court”), thereby commencing the above-captioned lawsuit entitled *Amanda Sira v. Foundation Partners Group, LLC, et al.*, Case No. 37-2023-00036172-CU-OE-CTL (“Action”);

WHEREAS, on October 26, 2023, Defendant Foundation Partners Group, LLC (“Defendant”) (together with Plaintiff, the “Parties”) filed an Answer to the Original Complaint;

WHEREAS, on December 18, 2023, Plaintiff filed a First Amended Class Action Complaint for Damages and Enforcement Under the Private Attorneys General Act, Cal. Labor Code § 2698, *Et Seq.* (“Operative Complaint”) against Defendants Foundation Partners Group, LLC and Mission Mortuary in the Action;

WHEREAS, on January 19, 2024, Defendant filed an Answer to the Operative Complaint;

WHEREAS, on September 20, 2024, the Parties attended a hearing on Plaintiff’s motion for preliminary approval of class action and Private Attorneys General Act (“PAGA”) settlement (“September 20, 2024 Hearing”), wherein the Court inquired as to the status of defendant Mission Mortuary as it was named in and served with Plaintiff’s Original Complaint, but not served with Plaintiff’s Operative Complaint, as evidenced in the Court’s Minute Order issued on September 20, 2024 (“September 20, 2024 Order”). The September 20, 2024 Order also discussed how no information has been provided as to Plaintiff’s claims against Mission Mortuary and Mission Mortuary was not served with the motion papers;

WHEREAS, at the September 2024 hearing, Defendant’s counsel explained that Mission Mortuary was sued as an unknown business entity, Mission Mortuary is strictly a trade name for where Plaintiff worked, Defendant Foundation Partners is the true employer, and that

Defendant Foundation Partners is therefore the appropriate entity and counsel for Defendant only appeared on behalf of Defendant Foundation Partners;

WHEREAS, the Court instructed Plaintiff to dismiss Mission Mortuary as a named defendant;

WHEREAS, if an action has been commenced as a putative class action, any cause of action in said action may be properly dismissed consistent with California Rules of Court, Rule 3.770, and as such, Plaintiff's individual, class, and PAGA claims asserted in the Action against Mission Mortuary may be dismissed without prejudice;

WHEREAS, Plaintiff and Plaintiff's counsel are not receiving any consideration, including any fees or costs, for dismissing Plaintiff's individual, class, and PAGA claims against Mission Mortuary without prejudice;

WHEREAS, pursuant to California Rules of Court, Rule 3.770(0), if the Court has not ruled on class certification, or if the Court has ruled on class certification but notice of the pendency of the action has not also been provided to class members in a case in which such notice is required, the Court may dismiss the action against one or all defendants "without notice to the [putative class members] if the court finds that the dismissal will not prejudice them";

WHEREAS, the Court has not ruled on class certification in the Action, nor has notice of the pendency of the Action been ordered to be sent to putative class members in this Action;

WHEREAS, none of the putative class members would be prejudiced in any way by the dismissal of the class claims against Mission Mortuary without prejudice in the absence of notice

NOW, THEREFORE, Plaintiff hereby requests an order dismissing her individual, class, and PAGA claims against defendant Mission Mortuary without prejudice.

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Dated: October 2, 2024

LAWYERS for JUSTICE, PC

By:



Selena Matavosian
Attorneys for Plaintiff