

3 Joseph Clapp, Esq, SBN 99194
4 Aiman-Smith & Marcy
5 7677 Oakport St. Suite 1000
6 Oakland, CA 94621
7 T 510.590.7115
8 F 510.562.6830
9 jc@asmlawyers.com

10 Attorneys for Plaintiff
11 LARRY JENKINS

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SAN JOAQUIN
14 UNLIMITED JURISDICTION

15 LARRY JENKINS, an individual,

16 Plaintiff,

17 v.

18 SUNVIEW LOGISTICS INC., a
19 corporation; SPEED INTERMODAL, a
20 business entity, form unknown; and
21 DOES 1-25, inclusive,

22 Defendants.

Case No. STK-CV-UOE-2023-0012580

**[Proposed] Order Approving the Dismissal of
Class and PAGA Claims Without Prejudice**

Date:

Time: 9:00 a.m.

Dept.: 10B

Judge: Hon. Blanca Banuelos

1 On October ___, 2025, the motion brought by Plaintiff Larry Jenkins for an order approving
2 the dismissal without prejudice of his class action claims and his PAGA claims came on regularly
3 for hearing. Plaintiff was represented by Joseph Clapp, Esq., of Aiman-Smith & Marcy. Defendants
4 were represented by Michael J. Conway, Esq., of Sagaser, Watkins & Wieland PC. After reviewing
5 the papers and arguments presented by counsel, and good cause appearing,
6

7
8 IT IS HEREBY ORDERED:

9 1. The members of the class will not suffer prejudice from the dismissal of class claims
10 without prejudice;

11 2. All class claims in the Complaint are hereby dismissed without prejudice; and

12 3. All claims under the Private Attorney General Act of 2004 (Labor Code Section 2698 *et*
13 *seq.*) in the Complaint are hereby dismissed without prejudice.

14
15 Dated: October , 2025

16 Hon. Blanca Banuelos
17 Judge of the Superior Court
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12

PROOF OF SERVICE

I, the undersigned, hereby declare: I am employed in the County of Alameda, California; I am over eighteen years of age and not a party to the within action. I am either admitted to practice before this Court or employed in the office of an attorney admitted to practice in this Court. My business address is 7677 Oakport, Suite 1150, Oakland, California 94621.

On this date, I served the following:

**[Proposed] Order Approving the Dismissal of Class
and PAGA Claims Without Prejudice**

addressed as follows:

Paul J. Bauer, Esq.
Michael J. Conway, Esq.
Sagaser, Watkins & Wieland PC
5260 North Palm Ave., Ste. 400
Fresno, CA 93704

Attorneys for Defendants
Sunview Logistics Inc. and
Speed Intermodal

13 ☒ [By U.S. Mail]] I caused such envelope, with postage fully prepaid, to be placed in the
United States mail at Oakland, California.

14 ☐ [By E-Mail]] I caused such document to be electronically transmitted via the Internet to
15 (email address) from Oakland, California.

16 ☐ [By Electronic Transmission] I hereby certify that on this date, I electronically transmitted
17 the foregoing document to the Clerk's Office using the CM/ECF System for filing and service
via transmittal of a Notice of Electronic Filing.

18 ☐ [By Overnight Delivery] UPS and or FedEx is a provider of overnight delivery services. I
19 placed the above described document(s) in an envelope or package designated for use by UPS
and/or FedEx, and delivered said designated envelope to an authorized Office or drop box of
20 UPS at Oakland, California, with delivery fees for overnight delivery fully prepaid, and
addressed to the addressee(s) above.

21 ☐ [By Personal Service] I caused such envelope to be delivered by hand to the above address.

22
23 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

24
25 Dated: September 5, 2025

Joseph Clapp