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Attorneys for Plaintiff DEVON DAVIS as an individual
and on behalf of all employees similarly situated

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

DEVON DAVIS, as an individual and on behalf
of all employees similarly situated,

Plaintiff,

v.

BBB-CA, INC., dba BLOCK BY BLOCK, a
California Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 24STCV02265

[Assigned for all purposes to Hon. David S.
Cunningham III]

**PLAINTIFF'S APPLICATION TO
DISMISS ENTIRE ACTION WITHOUT
PREJUDICE**

*[Filed concurrently with Declaration of Lilit
Tunyan In Support of Plaintiff's Application to
Dismiss; [Proposed] Order]*

Action Filed: January 29, 2024
Trial Date: Not Set

1 TO THE COURT, TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 Plaintiff DEVON DAVIS (“Plaintiff”) by and through his counsel of record, hereby requests
3 dismissal of the entire action without prejudice against Defendant BBB-CA, INC., dba BLOCK BY
4 BLOCK as follows:

- 5 1. Pursuant to California Rule of Court 3.770, Plaintiff requests dismissal of the entire action
6 against Defendant BBB-CA, INC., dba BLOCK BY BLOCK without prejudice.
- 7 2. Pursuant to California Rule of Court 3.770, Plaintiff requests dismissal of his alleged Class-
8 wide Claims One through Seven of the First Amended Complaint against Defendant BBB-
9 CA, INC., dba BLOCK BY BLOCK without prejudice.
- 10 3. Pursuant to California Rule of Court 3.770, Plaintiff requests dismissal of his alleged
11 Claims for Civil Penalties under the California Private Attorney General Act (“PAGA”)
12 under the Eighth Cause of Action of the First Amended Complaint against Defendant BBB-
13 CA, INC., dba BLOCK BY BLOCK without prejudice.
- 14 4. Pursuant to California Rule of Court 3.770, Plaintiff requests dismissal of his individual
15 claims with against Defendant BBB-CA, INC., dba BLOCK BY BLOCK with prejudice.
- 16 5. Because the putative class has not been certified and notice of the pendency of the action
17 has not been required to be provided to the putative class members, Plaintiff requests that
18 the Court grant dismissal, without prejudice, of his alleged class-wide claims as to
19 Defendant BBB-CA, INC., dba BLOCK BY BLOCK without directing notice to the
20 putative class members and PAGA aggrieved employees. The requested dismissal will not
21 prejudice them. California Rules of Court, Rule 3.770(c).

22 The concurrently filed Declaration of Lilit Tunyan confirms the facts necessary to complete the
23 requested dismissal pursuant to California Rules of Court.

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25 **Notice was provided to the LWDA prior to the filing of this Application.**

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27
28 Respectfully submitted,

1 Dated: September 17, 2024

TUNYAN LAW, APC

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5 Lilit Tunyan
6 Artur Tunyan

7 Attorneys for Plaintiff DEVON DAVIS
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