

1 **MOUTON LAW**
2 **STACEY Y. MOUTON (SB# 324959)**
3 **Stacey@mouton.law**
4 **2150 Comstock St. #710754**
5 **San Diego, California 92111**
6 **Telephone: (760) 927-0647**

7
8 **Attorney for Plaintiff**
9 **GINA MAKSIMOW**

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
6/20/2025 11:15:44 AM

Clerk of the Superior Court
By B. Montijo ,Deputy Clerk

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

GINA MAKSIMOW, an individual, on behalf
of herself, all others similarly situated, and all
other aggrieved employees,

Plaintiff,

vs.

BETWEEN THE SHEETS, INC., a California
Corporation, and DOES 1-20, inclusive.

Defendants.

CASE NO. 37-2024-00012650-CU-OE-CTL

PLAINTIFF'S REQUEST DISMISS
ACTION; DECLARATION OF STACEY
MOUTON IN SUPPORT THEREOF;
[REPOSED] ORDER

DEPT: C-64
JUDGE: Hon. Loren G. Freestone

Action Filed: March 18, 2024
Trial Date: December 5, 2025

1 Plaintiff Gina Maksimow ("Plaintiff"), by and through her counsel, hereby requests as
2 follows:

3 WHEREAS, on March 18, 2024, Plaintiff filed a complaint (ROA No. 1) against
4 Defendant Between the Sheets, Inc., ("Defendant") in the Superior Court of California, County of
5 San Diego (the "Action");

6 WHEREAS, on or about September 20, 2024, Defendant answered Plaintiff's Complaint
7 denying the allegations therein (ROA No. 11);

8 WHEREAS, Plaintiff's Complaint asserts causes of action on behalf of (1) herself, (2) a
9 putative class, and (3) the State of California through the Private Attorneys General Act
10 ("PAGA");

11 WHEREAS, the Parties have resolved Plaintiff's individual claims only, and agreed to
12 dismiss the Class claims and PAGA claims without prejudice;

13 WHEREAS, no consideration is being provided to Plaintiff for the dismissal of the Class or
14 PAGA claims;

15 WHEREAS, neither the putative class members, nor any aggrieved employees, have been
16 provided any notice regarding the pendency of this Action, and there has been no publication or
17 other press coverage of the claims at issue in this Action;

18 WHEREAS, the dismissal of the Action will not prejudice the rights and remedies of any
19 of the putative class members or aggrieved employees as no notice been provided to either;

20 WHEREAS, Plaintiff notified California's Labor Workforce and Development Agency that
21 Plaintiff has (1) requested this Court dismiss her PAGA claim without prejudice, and (2)
22 relinquished her status as California's authorized representative for LWDA Case Number
23 LWDA-CM-1003915-24;

24 WHEREAS, the dismissal of the Action will thus not prejudice the rights and remedies of
25 the State of California;

26 ///

27 ///

1 NOW, THEREFORE, Plaintiff hereby requests that:

- 2 1. Plaintiff's individual claims shall be dismissed with prejudice;
3 2. Plaintiff's class claims shall be dismissed without prejudice; *and*
4 3. Plaintiff's PAGA action shall be dismissed without prejudice.

5
6 DATED: June 19, 2025

MOUTON LAW

7 By: /s/ Stacey Y. Mouton

8 Stacey Mouton

9 Attorney for Plaintiff
10 GINA MAKSIMOW
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

[illegible]

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

[illegible][illegible]

1
1
1
1
1
1
1
2
2
2
2
2

1
1
1
1
2
2
2
2
2
2

2
2
2
2
2
A
A

.
.

1 I declare under penalty of perjury under the laws of California, that the foregoing is true
2 and correct, and that this declaration was executed on this 19th day of June, 2025, at San Diego,
3 California.

4
5 By: /s/ Stacey Y. Mouton
6 Stacey Y. Mouton
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **~~RECEIVED~~ ORDER**

2 THE COURT, having received and reviewed Plaintiff's Request to Dismiss this Action, the
3 declaration of Stacey Mouton in support thereof, and finding GOOD CAUSE appearing therein,
4 orders as follows:

5 1. Upon entry of this Order, Plaintiff's individual claims within the Action shall be
6 dismissed in their entirety and **with prejudice**;

7 2. Upon entry of this Order, the putative class claims and the representative claim
8 under California's Private Attorneys General Act shall be dismissed in their entirety and **without**
9 **prejudice**;

10 3. As permitted by California Rule of Court, Rule 3.770(c), no notice shall be required
11 to the putative class of the dismissal;

12 4. Each Party shall bear his/its own costs and attorneys' fees, except as otherwise
13 agreed.

14 **IT IS SO ORDERED**

15
16
17 DATED: 7/22/2025


18 HON. LOREN G. FREESTONE
19 JUDGE OF THE SUPERIOR COURT
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

My office is within the City of San Diego and County of San Diego, State of California. I am over the age of 18, and not a party to the within action. My business address is 2150 Comstock St. #710754, San Diego, California, 92111.

On June 19, 2025, I served the foregoing document(s) described as:

1. **PLAINTIFF'S REQUEST DISMISS ACTION;**
2. **DECLARATION OF STACEY MOUTON IN SUPPORT THEREOF;**
3. **[PROPOSED] ORDER.**

on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Kenneth H. Moreno
Laurie E. Yoon
MURCHISON & CUMMING, LLP
750 B Street, Suite 2550
San Diego, CA 92101
Telephone:
(619) 544-6838
E-Mail:
kmoreno@murchisonlaw.com
lyoon@murchisonlaw.com

Attorneys for Defendant
BETWEEN THE SHEETS, INC.

☐ **VIA OVERNIGHT MAIL:**

VIA UPS: By delivering such document(s) to an overnight mail service or an authorized courier in a sealed envelope or package designated by the express service courier addressed to the person(s) on whom it is to be served.

☐ **VIA U.S. MAIL:**

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S. postal service on June 19, 2025 with postage thereon fully prepaid, at San Diego, California.

☐ **VIA PERSONAL DELIVERY:**

I caused to be personally delivered such sealed envelope(s) by hand to the offices of the addressee(s) pursuant to CCP § 1011.



VIA ELECTRONIC MAIL: The Parties to this action have both filed pleadings electronically. Accordingly—per Code of Civil Procedure section 1010.6 and California Rules of Court, Rule 2.251(b)(1)(B)—they have manifested affirmative consent to service through electronic means. All documents served in this matter will thus be done by electronic means consistent with other provisions of the Code of Civil Procedure.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed on June 19, 2025, at San Diego, California.

3 /s/ Stacey Y. Mouton

4 Stacey Y. Mouton
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28