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Attorneys for Plaintiff Daniela Cabrera,
on behalf of herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KINGS

DANIELA CABRERA, on behalf of herself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

MY DIABETES TUTOR, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 24CU0417

Assigned to the Hon. Robert S. Burns, Dept. 6

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

[Filed Concurrently: Declaration of Evan S. Gaines in
Support of Request for Dismissal]

Complaint Filed: October 8, 2024

1 **REQUEST FOR DISMISSAL**

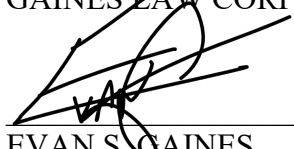
2 Based on the facts set forth in the concurrently-filed Declaration of Evan S. Gaines, Plaintiff
3 Daniela Cabrera ("Plaintiff") hereby requests that the Court enter a dismissal of this action ***WITH***
4 ***PREJUDICE*** as to Plaintiff's individual claims and ***WITHOUT PREJUDICE*** as to the PAGA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

6 Dated: December 10, 2024

Respectfully submitted,

7 GAINES LAW CORPORATION

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9 By:


EVAN S. GAINES

Attorneys for Plaintiff

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11 **ORDER**

12 Based on the Request for Dismissal and the concurrently-filed Declaration of Evan S. Gaines,
13 it is hereby ORDERED that this action is dismissed WITH PREJUDICE as to Plaintiff's individual
14 claims and WITHOUT PREJUDICE as to the PAGA representative claims.

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17 Dated: _____

JUDGE OF THE SUPERIOR COURT

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On February 26, 2025, I served the foregoing document described as **PLAINTIFF'S REQUEST FOR DISMISSAL; [PROPOSED] ORDER** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

**Attorneys for Defendant
MY DIABETES TUTOR, INC.**

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

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

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


EVAN S. GAINES