

1 NAVEED HALAVI, ESQ. SBN 336945
naveed@halavi.law
2 **HALAVI LAW, INC.**
6262 Glade Ave
3 Woodland Hills, CA 91367
4 Phone: (818) 532-9915
Fax: (213) 297-5071

5 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
6 **GAINES & GAINES, APLC**
4550 East Thousand Oaks Boulevard, Suite 100
7 Westlake Village, California 91362
8 Telephone: (818) 703-8985
9 Facsimile: (818) 703-8984

10 Attorneys for Plaintiff Sergio Cortes Lara, individually and on behalf of all similarly situated
11 individuals and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF FRESNO**

14 SERGIO CORTES LARA, individually and on
15 behalf of all “aggrieved employees” pursuant
to Labor Code § 2698 *et seq.*,

16 Plaintiff,

17 v.

18 KMV FARM LABOR INC., a California
19 corporation, and DOES 1 through 10,
inclusive,

20 Defendants.

CASE NO: 25CECG00508

Assigned to the Hon. D. Tyler Tharpe, Dept. 501

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

[Filed Concurrently: Declaration of Daniel F.
Gaines in Support of Request for Dismissal of
Representative Action]

Complaint Filed: January 30, 2025

1 **REQUEST FOR DISMISSAL**

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

6 Dated: May 16, 2025

Respectfully submitted,
GAINES & GAINES, APLC

7
8 By: Daniel F. Gaines
9 DANIEL F. GAINES
10 Attorneys for Plaintiff

11 **[PROPOSED] ORDER**

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

15
16 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 within action. My business address is 4550 E. Thousand Oaks Blvd., Suite 100 Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On May 16, 2025, I served the foregoing documents described as **(1) PLAINTIFF'S REQUEST FOR**
6 **DISMISSAL OF REPRESENTATIVE ACTION; [PROPOSED] ORDER** and **(2) DECLARATION OF DANIEL**
7 **F. GAINES IN SUPPORT OF REQUEST FOR DISMISSAL OF REPRESENTATIVE ACTION** on the interested
8 parties in this action as follows:

9 Gerardo Hernandez, Esq.

10 ghernandez@littler.com

11 Aaron M. Bausch, Esq.

12 abausch@littler.com

13 **LITTLER MENDELSON, P.C.**

14 5200 North Palm Avenue, Suite 302

15 Fresno, CA 93704

16 Cc: eherrera@littler.com

17 nherrera@littler.com

18 On the above date:

19 _____ (BY ☐ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
20 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
21 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
22 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
23 meter date is more than one day after date of deposit for mailing in affidavit.

24 XX (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce
25 Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the
26 LWDA.

27 XX (BY ELECTRONIC SERVICE) Based on an agreement of the parties to accept electronic service, I caused the
28 documents to be sent to the persons at the electronic service addresses listed above.

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

Executed on May 16, 2025, at Westlake Village, California.

Amelia Booth

AMELIA BOOTH