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Attorneys for Defendant STAFFMARK INVESTMENT LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

DAVID FISHER, individual, on behalf of the
State of California, as private attorney general,
and on behalf of all aggrieved employees,

Plaintiff,

v.

STAFFMARK INVESTMENT LLC, and
DOES 1 to 100, inclusive,

Defendant.

Case No.: 20STCV35513

**STIPULATION AND [PROPOSED]
ORDER TO DISMISS PLAINTIFF DAVID
FISHER'S INDIVIDUAL CLAIMS WITH
PREJUDICE AND REPRESENTATIVE
CLAIMS WITHOUT PREJUDICE**

Complaint Filed: September 17, 2020

Plaintiff David Fisher ("Plaintiff") and Staffmark Investment LLC ("Defendant")
(collectively, the "Parties") hereby stipulate as follows:

1. WHEREAS, on September 17, 2020, Plaintiff filed his Complaint, entitled
Fisher v. Staffmark Investment LLC, et. al., Los Angeles County Superior Court Case No.
20STCV35513, alleging individual and representative claims for alleged violations of the

1 California Private Attorneys General Act (California Labor Code section 2698 *et seq.*) on behalf
2 of the alleged potentially aggrieved employees (the “Complaint” or “Lawsuit”);

3 2. WHEREAS, Plaintiff has elected to settle his individual claims in the Lawsuit
4 and to dismiss these claims with prejudice;

5 3. WHEREAS, Plaintiff has elected not to pursue the Lawsuit on behalf of the
6 potentially aggrieved employees because he and his counsel believe that the costs of doing so
7 on behalf of the potentially aggrieved employees would exceed the benefits of pursuing the
8 Lawsuit and thus has elected to dismiss the representative claims without prejudice;

9 4. WHEREAS, pursuant to Rule 3.770 of the California Rules of Court, Plaintiff’s
10 counsel submits the declaration, which is attached hereto as **Exhibit A**, in support of this
11 Stipulation;

12 5. WHEREAS, the potentially aggrieved employees have not yet been provided any
13 notice regarding this Lawsuit and there has been no publication or other press coverage of the
14 claims at issue in this Lawsuit;

15 6. WHEREAS, the dismissal of the Lawsuit of Plaintiff’s individual claims with
16 prejudice and the representative claims of the potentially aggrieved employees without
17 prejudice will not prejudice the rights and remedies of any of the potentially aggrieved
18 employees.

19 NOW, THEREFORE, it is hereby stipulated that:

20 1. Upon the entry of this Order, this Lawsuit shall be dismissed with prejudice as to
21 the named representative, Plaintiff, and all of his individual claims and without prejudice as to
22 all unnamed potentially aggrieved employees and the representative claims asserted on behalf of
23 the potentially aggrieved employees;

24 2. As permitted by California Rule of Court, Rule 3.770(c), no notice shall be
25 required to the potentially aggrieved employees of this dismissal;

26 3. Each party shall bear its/his own costs and attorneys’ fees, except as provided for
27 in their settlement agreement.
28

1 **SO STIPULATED**

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3 Dated: July 5, 2022

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

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6 By: /s/ Kieran D. Hartley
7 SUSAN M. STEWARD
8 KIERAN D. HARTLEY
9 Attorneys for Defendant
10 STAFFMARK INVESTMENT LLC

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12 DATED: July 5, 2022

POTTER HANDY LLP

13 By: /s/ James M. Treglio
14 JAMES M. TREGLIO
15 Attorneys for Plaintiff
16 DAVID FISHER

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18 **CERTIFICATION OF AUTHORIZATION**

19 I hereby certify that the contents of this document are acceptable to Kieran D. Hartley,
20 and counsel for Defendant, and that the foregoing counsel has authorized the affixation of
21 electronic signatures to this document.

22 Dated: July 5, 2022

POTTER HANDY LLP

23 By: /s/ James M. Treglio.
24 Jim M. Treglio
25 Attorneys for Plaintiffs
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