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7 Attorneys for Defendants
UBER TECHNOLOGIES, INC. and
8 RASIER-CA, LLC

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 KIMBERLY BERGER, on behalf of
13 herself and all others similarly situated,,

14 Plaintiff,

15 v.

16 UBER TECHNOLOGIES, INC., a
17 Delaware corporation, RASIER-CA, LLC,
a Delaware Limited Liability Company,
18 and DOES 1 through 10, inclusive,,

19 Defendants.
20

Case No. 3:16-cv-00041 MEJ

**STIPULATION OF DISMISSAL OF
ACTION WITH PREJUDICE AS TO
PLAINTIFF KIMBERLY BERGER AND
WITHOUT PREJUDICE AS TO
PUTATIVE CLASS CLAIMS;
[PROPOSED] ORDER**

Judge: Maria-Elena James
Dept: Courtroom B, 5th Floor

Complaint Filed: January 5, 2016
FAC Filed: February 2, 2016
Trial Date: None set

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), it is hereby stipulated and agreed by Plaintiff and Defendants herein that this action shall be dismissed on the following terms: (1) Plaintiff Kimberly Berger’s individual claims (including her individual claims under the Private Attorney General Act (“PAGA”)) against all Defendants named in Plaintiff’s Class Action Complaint (ECF 1) and any and all amendments, including the First Amended Complaint (ECF 6) (“Complaint”) are hereby dismissed with prejudice, (2) the claims asserted by Plaintiff Berger on behalf of the members of the putative class alleged in the Complaint are hereby dismissed without prejudice, (3) in exchange for a waiver of costs, the claims asserted by Plaintiff Berger under the PAGA (a) on behalf of herself are dismissed with prejudice and (b) on behalf of the members of the putative representative group are hereby dismissed without prejudice, and (4) except as otherwise provided above, the parties shall bear their own attorneys’ fees, costs, expenses and disbursements incurred in this action.

Dated: March 20, 2017

/s/ Andrew M. Spurchise
ANDREW M. SPURCHISE
LITTLER MENDELSON, P.C.
Attorneys for Defendants
UBER TECHNOLOGIES, INC. and
RASIER-CA, LLC

Dated March 20, 2017

/s/ Amy T. Wootton
AMY T. WOOTTON
HAMNER LAW OFFICES, APC
Attorneys for Plaintiff
KIMBERLY BERGER

Attestation

Pursuant to Northern District L.R. 5-1(i)(3) regarding signatures, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Andrew M. Spurchise

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[PROPOSED] ORDER

IT IS SO ORDERED that, pursuant to the Parties stipulation, (1) Plaintiff Kimberly Berger’s individual claims (including her individual claims under the Private Attorney General Act (“PAGA”)) against all Defendants named in Plaintiff’s Class Action Complaint (ECF 1) and any and all amendments, including the First Amended Complaint (ECF 6) (“Complaint”) are hereby dismissed with prejudice, (2) the claims asserted by Plaintiff Berger on behalf of the members of the putative class alleged in the Complaint are hereby dismissed without prejudice, (3) in exchange for a waiver of costs, the claims asserted by Plaintiff Berger under the PAGA (a) on behalf of herself are dismissed with prejudice and (b) on behalf of the members of the putative representative group are hereby dismissed without prejudice, and (4) except as otherwise provided above, the parties shall bear their own attorneys’ fees, costs, expenses and disbursements incurred in this action.

Dated: _____, 2017

HON.MARIA-ELENA JAMES
MAGISTRATE JUDGE

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