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13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17 CARLOS MORENO, individually, and on
behalf of all others similarly situated,

18 *Plaintiff,*

19 v.

20 PRETIUM PACKAGING, L.L.C., a
21 Delaware limited liability company, and
22 DOES 1 through 10, inclusive,

23 *Defendants.*
24

Case No.: 8:19-CV-02500-JVS-DFM

[Hon. James V. Selna]

**JOINT STIPULATION RE:
DEFENDANT’S MOTION TO
STRIKE (DKT. 27) AND REQUEST
FOR LEAVE FOR PLAINTIFF TO
FILE SECOND AMENDED
COMPLAINT**

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JOINT STIPULATION

This stipulation is hereby made and entered into by Plaintiff CARLOS MORENO (“Plaintiff”) and Defendant PRETIUM PACKAGING, L.L.C. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel of record, with reference to the following facts:

WHEREAS, Plaintiff filed a First Amended Complaint against Defendant on February 10, 2020 (Dkt. 16);

WHEREAS, Defendant filed a Motion to Strike Allegations in Plaintiff’s First Amended Complaint on March 6, 2020 (Dkt. 27);

WHEREAS, in response to Defendant’s Motion to Strike, Plaintiff’s counsel met and conferred with Defendant’s counsel and proposed filing a Second Amended Complaint addressing the issues in Defendant’s Motion;

WHEREAS, Plaintiff’s proposed Second Amended Complaint includes an additional claim under California’s Private Attorneys General Act (“PAGA”);

WHEREAS, in response to Plaintiff’s proposal, and without waiving any defenses Defendant may have to the additional PAGA claim, Defendant agrees that the Second Amended Complaint will have the effect of mootng its Motion to Strike;

WHEREAS, Defendant further agrees that, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff may be granted leave to file the [Proposed] Second Amended Complaint lodged herewith according to Local Rule 15-1;

WHEREAS, the Parties agree that the Second Amended Complaint, if permitted to be filed by order of the Court, shall be deemed served upon Defendant on the date this stipulation is approved by the Court, pursuant to Local Rule 15-3;

WHEREAS, the Parties further agree that, if this stipulation is approved by

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1 the Court, Defendant shall have fourteen (14) days from the date that this
2 stipulation is approved by the Court to answer or otherwise respond to the
3 Second Amended Complaint; and

4 NOW THEREFORE, IT IS HEREBY STIPULATED, by and between
5 Plaintiff and Defendant, through their respective counsel, as follows:

6 1. The Parties incorporate by reference, and stipulate to, to all points and
7 agreements in the above fact section;

8 2. Plaintiff should be granted leave to file the [Proposed] Second
9 Amended Complaint lodged herewith pursuant to Local Rule 15-1;

10 3. The Second Amended Complaint, if permitted to be filed by order of
11 the Court, shall be deemed served upon Defendant on the date this stipulation is
12 approved by the Court, pursuant to Local Rule 15-3;

13 4. Defendant shall have fourteen (14) days from the date that this
14 stipulation is approved by the Court to answer or otherwise respond to the Second
15 Amended Complaint; and

16 5. Defendant’s Motion to Strike (Dkt. 27) is taken off calendar as moot.

17 IT IS SO STIPULATED.

18 Dated: April 10, 2020

Respectfully submitted,

WILSHIRE LAW FIRM

21 By: s/ Justin F. Marquez
22 Bobby Saadian
23 Justin F. Marquez
24 Nicol E. Hajjar
25 Robert Dart

26 Attorneys for Plaintiff CARLOS
27 MORENO
28

1 Dated: April 10, 2020

ARMSTRONG TEASDALE LLP
TROYGOULD PC

3 By: s/ Jeremy M. Brenner*

4 _____
Jeremy M. Brenner
Jason R. Stavely
5 Russell I. Glazer
Benjamin W. Clements

6 Attorneys for Defendant PRETIUM
7 PACKAGING, L.L.C.

8 *The filer attests that the signatory listed above concurs in the content of
9 this document and has authorized its filing.

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