

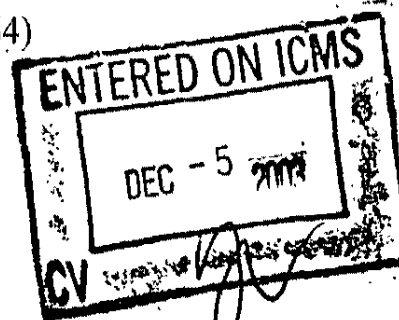
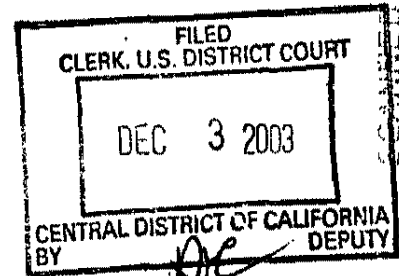
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

TOMAS SOLIS LARA, BENITO
 GONZALEZ, AURELIO VASQUEZ
 MARTINEZ, MARTIN ALVAREZ
 RODRIGUEZ, SANTOS HERRERA,
 ALEJANDRO LOPEZ RAMOS, and
 HONG SHIN PARK, on their own behalf
 and on behalf of a class of similarly
 situated individuals,

Plaintiffs,

vs.

ASSI SUPER, INC., a California
 corporation; DANIEL SEUNG CHUL
 RHEE, an individual; JUN BAEK LEE,
 an individual; and DOES 1 through 50,
 inclusive,

Defendants.

No.: CV 03-5131-SVW (VBKx)

JOINT STIPULATION:
 (1) ALLOWING THE FILING OF
 SECOND AMENDED COMPLAINT
 DISMISSING ALL FEDERAL
 CLAIMS WITH PREJUDICE; AND (2)
 REQUESTING THAT THE CASE BE
 REMANDED TO STATE COURT;
 AND [PROPOSED] ORDER
 THEREON

Honorable Stephen V. Wilson

Pretrial Conf.: May 24, 2004
 Trial Date: June 1, 2004

IT IS HEREBY STIPULATED by the parties to this action, PLAINTIFFS TOMAS SOLIS LARA, BENITO GONZALEZ, AURELIO VASQUEZ MARTINEZ, MARTIN ALVAREZ RODRIGUEZ, SANTOS HERRERA, ABELARDO LOPEZ RAMOS, HONG SHIN PARK, and the putative members of the classes they seek to represent, and Defendants ASSI SUPER, INC., DANIEL SEUNG CHUL RHEE & JUN BAEK LEE, by and through their respective attorneys of record, that:

1. This action was initially filed in state court and was removed to this Court on or about July 18, 2003. Soon thereafter, on August 11, 2003, the Court stayed the action until October 20, 2003, so that the parties could focus their efforts on settlement and a mediation which took place on September 16, 2003.

2. The First Amended Complaint in this action sets forth 21 causes of action and various class actions, including, but not limited to, claims for unlawful harassment, discrimination, retaliation, failures to hire in violation of state and federal employment law, and for various violations of state and federal wage and hour laws.

3. The parties agree that the Court should allow plaintiffs to file a Second Amended Complaint, a copy of which is attached hereto. The Second Amended Complaint deletes all of plaintiffs' federal claims. Specifically, Causes of Action 1, 2, 3, 4, 12, and 15 have been deleted, as well as all references to plaintiffs' federal claims.

4. When the Courts enters an order allowing the filing of the Second Amended Complaint, plaintiffs' federal claims will thereby be dismissed with prejudice and plaintiffs have agreed they will not re-file those claims in any court of competent jurisdiction. The parties agree that the dismissal of plaintiffs' federal claims shall have no res judicata, collateral estoppel, or any other effect on the viability of plaintiffs' state law claims.

5. Defendants waive notice of service of the Second Amended Complaint; shall not be required to file an answer thereto; and all denials, responses and affirmative defenses contained in the answer filed by defendants to the First Amended Complaint shall be deemed responsive to the Second Amended Complaint.

6. Because the Second Amended Complaint contains no federal claims and there is no diversity jurisdiction, after its filing, the Court will retain only supplemental jurisdiction over this action. In light of the fact that, to date, there has been no motions filed, the case has been stayed for the majority of the time it has been in federal court, discovery has just begun, and there have been limited court appearances, the parties agree that it would not promote judicial economy for this Court to retain supplemental jurisdiction over this action. Accordingly, the parties agree that the case should be remanded to state court, where the action was originally filed, and jointly ask that the Court do so.

7. If the Court dismisses the action following the filing of the Second Amended Complaint rather than remanding the action as the parties have requested, then the date that plaintiffs re-file their Second Amended Complaint in state court will be regarded as the same dates that plaintiffs originally filed their initial and First Amended Complaints in state court for purposes of any statute of limitations analysis, provided that plaintiffs re-file the action within 30 days of the Court's dismissal order.

IT IS SO STIPULATED.

Dated: November 11, 2003 KOREAN IMMIGRANT WORKERS ADVOCATES
TRABER & VOORHEES

By: Bert Voorhees 
Bert Voorhees

Attorneys for Plaintiffs
TOMAS SOLIS LARA, et al.

Dated: November ____, 2003 JACKSON LEWIS LLP

By: _____
Robert D. Vogel

Attorneys for Defendants
ASSI SUPER, INC., et al.

6. Because the Second Amended Complaint contains no federal claims and there is no diversity jurisdiction, after its filing, the Court will retain only supplemental jurisdiction over this action. In light of the fact that, to date, there has been no motions filed, the case has been stayed for the majority of the time it has been in federal court, discovery has just begun, and there have been limited court appearances, the parties agree that it would not promote judicial economy for this Court to retain supplemental jurisdiction over this action. Accordingly, the parties agree that the case should be remanded to state court, where the action was originally filed, and jointly ask that the Court do so.

7. If the Court dismisses the action following the filing of the Second Amended Complaint rather than remanding the action as the parties have requested, then the date that plaintiffs file their Second Amended Complaint in state court will be regarded as the same dates that plaintiffs originally filed their initial and First Amended Complaints in state court for purposes of any statute of limitations analysis, provided that plaintiffs re-file the action within 30 days of the Court's dismissal order.

IT IS SO STIPULATED.

Dated: November __, 2003

KOREAN IMMIGRANT WORKERS
ADVOCATES
TRABER & VOORHEES

By: _____

Bert Voorhees
Attorneys for Plaintiffs
TOMAS SOLIS LARA, et al.

Dated: November 11, 2003

JACKSON LEWIS LLP

By: _____

Robert D. Vogel
Attorneys for Defendants
ASSI SUPER, INC., et al.

ORDER

Based on the stipulation of the parties, plaintiffs may file their Second Amended Complaint, a copy of which is attached hereto. Defendants waive notice of service of the Second Amended Complaint; shall not be required to file an answer thereto; and all denial, responses and affirmative defenses contained in the answer filed by defendants to the First Amended Complaint shall be deemed responsive to the Second Amended Complaint.

In light of the fact that no federal claims remain and that virtually no litigation has proceeded in federal court, the Court declines to retain supplemental jurisdiction over this action, and this action is hereby REMANDED to state court.

IT IS SO ORDERED.

DATED: 11/25/03



HON. STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE