

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

SANDRA KUBA,

Plaintiff,

Case No.: 6:21-cv-312-JA-LRH

v.

DISNEY FINANCIAL
SERVICES, LLC,

Defendant.

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JOINT STIPULATION

Plaintiff, Sandra Kuba (“Plaintiff”) and Defendant, Disney Financial Services, LLC (“DFS”), submit the following Joint Stipulation:

1. For purposes of this action only, DFS will not contest that it qualifies as a “covered person” under 18 U.S.C. section 1514A(a).
2. For purposes of this action only, and without any admission of liability or admission that it engaged in any acts that violated any law, rule or regulation, DFS will not contest that Plaintiff’s emails dated September 29, 2016 to George Kalogridis and dated June 18, 2017 to George Kalogridis and Scott Leingang (the “June 18 Email”) qualify as “protected activity” for purposes of her claims brought under the Sarbanes-Oxley Act, 18 U.S.C. section 1514A (Count I) and the Florida Private Sector Whistleblower’s Act, Fla. Stat. Sec. 448.01 (Count IV). However,

DFS does not stipulate that the first two sentences of the June 18 Email¹ qualify as “protected activity,” and DFS shall not be precluded from presenting any evidence or argument that Tracy Willis, Andrew Widger, and/or Marisa Dye honestly believed that Plaintiff did not have a good faith, reasonable basis for making those statements.

3. For purposes of this action only, and without any admission of liability or admission that it engaged in any acts that violated any law, rule or regulation, or that it had any knowledge or suspicion of Plaintiff’s activity prior to making or communicating the decision to terminate her employment, DFS will not contest that Plaintiff’s submission of a “TCR” (Tips, Complaints, and Referrals) to the Securities and Exchange Commission on August 7, 2017, qualifies as a protected activity for purposes of her claim under the Dodd-Frank Wall Street Reform and Consumer Protection Act, 15 U.S.C. section 78u-6(h) (Count II).

IT IS SO STIPULATED.

Dated: May 4, 2022

<u>/s/ Frank M. Malatesta</u> FRANK M. MALATESTA, ESQ. Florida Bar No. 0097080 Malatesta Law Office 871 Venetia Bay Blvd., Suite 235 Venice, FL 34285 941.256.3812 PHONE 888.501.3865 FAX frank@malatestalawoffice.com Attorney for Plaintiff	<u>/s/ Mary Ruth Houston</u> MARY RUTH HOUSTON, ESQ. Florida Bar No. 834440 Email: mhouston@shutts.com SHUTTS & BOWEN LLP 300 S. Orange Avenue, Suite 1600 Orlando, Florida 32801-5403 Telephone: (407) 423-3200 Facsimile: (407) 425-8316
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¹ The first two sentences are: “This Manager in Advisory & Assurance and her team are not setting up codes. They are simply giving 4-digit numbers to anyone who wants one.”

	<p>and</p> <p><u>/s/ Stephen L. Berry</u></p> <p>STEPHEN L. BERRY, ESQ. (Admitted Pro Hac Vice) Email: stephenberry@paulhasting.com PAUL HASTINGS LLP 695 Town Center Drive Seventeenth Floor Costa Mesa, CA 92626 Telephone: (714) 668-6200 Facsimile: (714) 979-1921 Attorneys for Defendant</p>
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