

KENNETH S. GAINES, ESQ. SBN 049045
ken@gaineslawfirm.com
DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
27200 Agoura Rd., Suite 101
Calabasas, CA 91301
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Melinda Rodriguez, on behalf of herself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

MELINDA RODRIGUEZ, on behalf of
herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,

Plaintiff,

v.

POPULUS FINANCIAL GROUP, INC., a
Texas corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 20STCV12386

*Assigned for All Purposes to Hon. Lia Martin,
Dept. 16*

**STIPULATION AND [PROPOSED]
ORDER DISMISSING ACTION**

[Filed Concurrently with Declaration of Daniel
F. Gaines]

Complaint Filed: March 30, 2020

STIPULATION

WHEREAS, on March 30, 2020, Plaintiff Melinda Rodriguez (“Plaintiff”), on behalf of herself and on behalf of all similarly situated individuals, filed a representative action complaint against Defendant Populus Financial Group, Inc. dba ACE Cash Express (previously known as ACE Cash Express, Inc.). (“Defendant”) (collectively, the “Parties”), seeking penalties pursuant to Labor Code § 2699(f) for Violations Of Labor Code §§ 201, 202, 226(a), 226.7, 510, 512, 1194 and 2802 and pursuant to Labor Code § 2699(a) for violations of Labor Code § 226.3 under the Private Attorneys’ General Act (“PAGA”) (the “Action”). (Declaration of Daniel F. Gaines [“Gaines Decl.”], ¶ 2).;

WHEREAS, Defendant informed Plaintiff that another action, which was filed before Plaintiff’s, alleged claims pursuant to PAGA that encompassed Plaintiff’s claims in this Action. Defendant further advised that the parties to that matter had reached a settlement and were seeking approval from the court. Based on Defendant’s representations, Plaintiff agreed to negotiate a settlement of Plaintiff’s individual claims in this matter. (Gaines Decl., ¶ 3; Exhibit A to the Gaines Dec.);

WHEREAS, the Parties have negotiated a settlement of Plaintiff’s individual claims only, with Plaintiff’s individual claims to be dismissed *with* prejudice, and the PAGA claims will be dismissed *without* prejudice (Gaines Decl., ¶ 4);

WHEREAS, the settlement between Plaintiff and Defendant does not contemplate the waiver of any claims by anyone other than Plaintiff and does not provide for the waiver of the PAGA claims asserted on behalf of any employee, such that there is no allocation to PAGA penalties in the settlement (Gaines Decl. ¶ 5);

\\

\\

\\

\\

\\

\\

1 THEREFORE, IT IS HEREBY STIPULATED by and between the Parties hereto and
2 through their respective attorneys of record that Plaintiff's claims shall be dismissed *with* prejudice,
3 and the claims of the allegedly aggrieved employees shall be dismissed *without* prejudice. (Gaines
4 Decl. ¶ 7).

5 **IT IS SO STIPULATED.**

6 Dated: February 25, 2021

7 For Plaintiff:

8 GAINES & GAINES, APLC

For Defendant:

GBG, LLP

9
10 By: Daniel F. Gaines
11 Daniel F. Gaines, Esq.

By: Amanda Bolliger
Amanda Bolliger, Esq.

12
13 **ORDER**

14 The Court, having reviewed the Parties' stipulation and any and all supporting papers,
15 hereby ORDERS that the action is hereby DISMISSED WITH PREJUDICE as to Plaintiff Melinda
16 Rodriguez's individual claims, and DISMISSED WITHOUT PREJUDICE as to claims under
17 PAGA asserted on behalf of all allegedly aggrieved employees.

18 **IT IS SO ORDERED.**

19
20
21 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to
3 the within action. My business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301.

4 _____ (For messenger) my business address is:

5 On March 1, 2021, I served the foregoing document described as **STIPULATION AND [PROPOSED]**
6 **ORDER DISMISSING ACTION** on the interested parties in this action by placing a true copy thereof enclosed in
7 sealed envelopes addressed as follows:

8 **Elizabeth A. Brown, Esq.**
9 **Amanda Bollinger, Esq.**
10 **Matthew W. Morris, Esq.**
11 **GBG LLP**
12 **633 West 5th Street, Suite 3330**
13 **Los Angeles, CA 90071**

14 On the above date:

15 X (BY ☒ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
16 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
17 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
18 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
meter date is more that one day after date of deposit for mailing in affidavit.

19 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
20 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
21 carrier or driver authorized by the express carrier to receive documents.

22 _____ (BY FACSIMILE TRANSMISSION) On March 1, 2021, at _____ a.m./p.m., at Calabasas, California, I
23 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
24 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
25 telephone number(s) of the receiving facsimile machine was (____) ____-____. A transmission report was properly
26 issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
27 the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

28 _____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

_____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission pursuant to an agreement between counsel due to COVID-19 on the counsel of record listed above.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 1, 2021 at Calabasas, California.

25 Beatriz Franco
26 BEATRIZ FRANCO