

FILED
Superior Court of California,
County of Solano
02/13/2024 at 12:47:05 PM
By: J. Connelly, Deputy Clerk

JUSTICE LAW CORPORATION
DOUGLAS HAN (SBN 232858)
ghan@justicelawcorp.com
SHUNT TATAVOS-GHARAJEH (SBN 272164)
statavos@justicelawcorp.com
JASON W. ROTHMAN (SBN 304961)
jrothman@justicelawcorp.com
751 N. Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502 / Facsimile: (818) 230-7259

Attorneys for Plaintiffs
MAULID AMBARY and GRACIELA SANCHEZ

HUNTON ANDREWS KURTH LLP
Michele J. Beilke (State Bar No. 194098)
mbeilke@HuntonAK.com
Julia Y. Trankiem (State Bar No. 228666)
jtrankiem@HuntonAK.com
Steven A. Morphy (State Bar No. 313275)
smorphy@HuntonAK.com
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627
Telephone: 213 • 532 • 2000 / Facsimile: 213 • 532 • 2020

Attorneys for Defendant
ABBOTT LABORATORIES, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SOLANO**

MAULID AMBARY and GRACIELA
SANCHEZ, individually, and on behalf of
aggrieved employees pursuant to the Private
Attorneys General Act ("PAGA");

Plaintiffs,

v.

ABBOTT LABORATORIES, INC., an Illinois
corporation; and DOES 1 through 100, inclusive;
Defendants.

Case No.: FCS055061

REPRESENTATIVE ACTION

Assigned for All Purposes to:
Honorable Wendy G. Getty
Department 8

**JOINT STIPULATION AND
[PROPOSED] ORDER APPROVING
PLAINTIFF GRACIELA SANCHEZ'S
INDIVIDUAL PAGA SETTLEMENT
AND DISMISSING HER AS A NAMED
PLAINTIFF**

Complaint Filed: July 16, 2020
Trial Date: None Set

**JOINT STIPULATION AND [PROPOSED] ORDER APPROVING PLAINTIFF GRACIELA SANCHEZ'S
INDIVIDUAL PAGA SETTLEMENT AND DISMISSING HER AS A NAMED PLAINTIFF**

1 Plaintiffs Maulid Ambary (“Plaintiff Ambary”) and Graciela Sanchez (“Plaintiff Sanchez”)
2 (collectively “Plaintiffs”), individually, on behalf of other members of the general public similarly
3 situated, and Defendant Abbott Laboratories, Inc. (“Defendant”) (collectively, “the Parties”), by
4 and through their respective counsel of record, hereby stipulate as follows:

5 WHEREAS, on May 4, 2020, Plaintiff Sanchez filed a Class Action Complaint for
6 Damages against Abbott Laboratories in the Superior Court of the State of California, County of
7 Solano, Case Number FCS054734. In her operative complaint, Plaintiff Sanchez alleges eight (8)
8 causes of action for: (1) violation of California Labor Code §§ 510 and 1198 (unpaid overtime);
9 (2) violation of California Labor Code §§ 226.7 and 512(a) (unpaid meal period premiums); (3)
10 violation of California Labor Code § 226.7 (unpaid rest period premiums); (4) violation of
11 California Labor Code §§ 1194, 1197, and 1197.1 (unpaid minimum wages); (5) violation of
12 California Labor Code §§ 201 and 202 (final wages not timely paid); (6) violation of California
13 Labor Code § 226(a) (noncompliant wage statements); (7) violation of California Labor Code §§
14 2800 and 2802 (unreimbursed business expenses); and (8) violation of California Business &
15 Professions Code §§ 17200, *et seq.*;

16 WHEREAS, on July 16, 2020, the *Sanchez v. Abbott Laboratories* action was removed to
17 the Eastern District Court of California, Case Number 2:20-CV-01436-TLN-AC (the “Class
18 Action”);

19 WHEREAS, on July 16, 2020, on behalf of themselves and all other members of the general
20 public similarly situated, Plaintiffs filed their representative action Complaint in the Superior Court
21 of the State of California, County of Solano, pursuant to Labor Code § 2698 *et seq.* (the Private
22 Attorneys General Act of 2004 (“PAGA”)) for Defendant’s alleged violations of the same
23 underlying Labor Code violations at issue in the Class Action, namely Labor Code §§ 201, 202,
24 203, 204, 218.5, 221, 226(a), 226.3, 226.7, 510, 512(a), 558, 1174(d), 1194, 1197, 1197.1, 1198,
25 2800 and 2802 (the “PAGA Action”);

26 WHEREAS, on August 21, 2020, Defendant filed a Motion to Stay the PAGA Action
27 which was heard on September 22, 2020;

1 WHEREAS, on September 25, 2020, the Court ordered the stay of the PAGA Action for
2 all purposes pending the conclusion or remand of the Class Action;

3 WHEREAS, on July 13, 2023, after the Parties conducted significant discovery in the Class
4 Action, Defendant and Plaintiff Sanchez attended mediation with respected class action mediator
5 Jeffrey A. Ross, in order to address Plaintiff Sanchez's claims in both the Class Action and the
6 PAGA Action;

7 WHEREAS, while Defendant and Plaintiff Sanchez were unable to reach an agreement at
8 the mediation, they continued negotiations thereafter on an individual basis as to Plaintiff Sanchez
9 only;

10 WHEREAS, as a result of these ongoing genuine arms length negotiations, Defendant and
11 Plaintiff Sanchez reached a settlement and executed a settlement agreement covering Plaintiff
12 Sanchez's individual claims, including her individual PAGA claim;

13 WHEREAS, the Parties agree that the settlement as to Plaintiff Sanchez is fair, reasonable,
14 and adequate, given the inherent risk of litigation, the risks and time of appeal, and the costs of
15 pursuing litigation;

16 WHEREAS, pursuant to the terms of the settlement agreement, \$250 was allocated to the
17 settlement of Plaintiff Sanchez's individual PAGA claim ("Individual PAGA Payment"). The
18 settlement agreement provided that \$187.50 of the Individual PAGA Payment be paid to the
19 California Labor & Workforce Development Agency within thirty (30) days of Defendant being
20 served with notice of the Court's approval of the individual PAGA settlement and dismissal of
21 Plaintiff Sanchez as a named plaintiff in this PAGA Action;

22 WHEREAS, on January 22, 2024, payment was tendered as to the individual settlement
23 between Plaintiff Sanchez and Defendant Abbott Laboratories;

24 ///

25 ///

26 ///

1 WHEREAS, the Parties stipulate and agree that this is a reasonable allocation that the Court
2 should approve. The PAGA statute permits a court to “exercise discretion to award lesser penalties
3 based upon the enumerated considerations.” *Thurman v. Bayshore Transit Mgmt., Inc.*, 203 Cal.
4 App. 4th 1112, 1135 (2012). These considerations include whether the maximum award would be
5 unjust, arbitrary and oppressive, or confiscatory. Cal. Lab. Code § 2699(e)(2). Here, the Parties
6 stipulate and agree that interests of justice would be served with the proposed allocation. Further,
7 where PAGA penalties are negotiated in good faith and “there is no indication that [the] amount
8 was the result of self-interest at the expense of other Class Members,” such amounts are generally
9 considered reasonable. *Hopson v. Hanesbrands Inc.*, 2009 U.S. Dist. LEXIS 33900, at *24 (N.D.
10 Cal. Apr. 3, 2009); *see, e.g., Nordstrom Comm’n Cases*, 186 Cal. App. 4th. 576, 579 (2010)
11 (“[T]rial court did not abuse its discretion in approving a settlement which does not allocate any
12 damages to the PAGA claims.”). Here, the settlement of Plaintiff’s individual claims, including
13 her individual PAGA claim, was reached following negotiations conducted in good faith, including
14 through private mediation and continued post-mediation negotiations;

15 WHEREAS, settlement of Plaintiff Sanchez’s claims is contingent on the Court’s approval
16 of the Individual PAGA Payment and the Court’s dismissal of Plaintiff Sanchez from the PAGA
17 Action;

18 WHEREAS, the Parties do not believe that the Individual PAGA Payment requires
19 approval of the Court, but are seeking Court approval out of an abundance of caution;

20 WHEREAS, on February 5, 2023, Hon Troy L. Nunley in the U.S. District Court, Eastern
21 District of California dismissed the Class Action with prejudice as to Plaintiff and without
22 prejudice as to any other putative class member employees;

23 WHEREAS, the Parties now request that this Court (i) dismiss Plaintiff Sanchez as a
24 named representative in the PAGA Action, (ii) approve Plaintiff Sanchez’s Individual PAGA
25 Payment, and (iii) dismiss Plaintiff Sanchez’s individual PAGA claim with prejudice; and

26 ///

27 ///

1 WHEREAS, this Stipulation under no circumstances affects the PAGA Action
2 continuing with Plaintiff Ambary once the stay is lifted, now as the only named Plaintiff and
3 with Defendant retaining all defenses related to the merits of Plaintiff Ambary's PAGA claim
4 and standing as a PAGA representative.

5 IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES HERETO,
6 THROUGH THEIR RESPECTIVE COUNSEL, AS FOLLOWS:

- 7 1. Plaintiff Sanchez shall be dismissed as a named representative in this action;
8 2. Plaintiff Sanchez's individual PAGA settlement is approved by this Court; and
9 3. Plaintiff Sanchez's individual PAGA claim is dismissed with prejudice.

10
11 Dated: February 12, 2024

JUSTICE LAW CORPORATION

12
13
14 By: 

Douglas Han
Shunt Tatavos-Gharajeh
Jason Rothman
Attorneys for Plaintiffs
MAULID AMBARY and GRACIELA
SANCHEZ

15
16
17
18 Dated: February 9, 2024

HUNTON ANDREWS KURTH LLP

19
20 By: /s/ Julia Trankiem

Michele J. Beilke
Julia Trankiem
Attorneys for Defendant
ABBOTT LABORATORIES, INC.

[PROPOSED] ORDER

Pursuant to the above Stipulation and good cause appearing, the Court hereby Orders the following:

1. Plaintiff Sanchez is dismissed as a named representative in this action;
2. Plaintiff Sanchez's individual PAGA settlement is approved by this Court; and
3. Plaintiff Sanchez's individual PAGA claim is dismissed with prejudice.

IT IS SO ORDERED.

Dated: 02/13/2024


Honorable Wendy G. Getty
Judge of the Superior Court
Hon. Stephen Gizzi

**PROOF OF SERVICE
1013A(3) CCP**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Ave., Ste. 101 Pasadena, CA 91103, and my electronic service address is hdonnelly@justicelawcorp.com.

On February 13, 2024, I served the foregoing document described as

JOINT STIPULATION AND [PROPOSED] ORDER APPROVING PLAINTIFF GRACIELA SANCHEZ'S INDIVIDUAL PAGA SETTLEMENT AND DISMISSING HER AS A NAMED PLAINTIFF

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Michele J. Beilke (mbeilke@hunton.com)
Julia Trankiem (jtrankiem@hunton.com)
Steven A. Morphy (smorphy@hunton.com)
HUNTON ANDREWS KURTH LLP
550 South Hope Street, Suite 2000
Los Angeles, CA 90071

Attorney(s) for Defendant Abbott Laboratories, Inc.

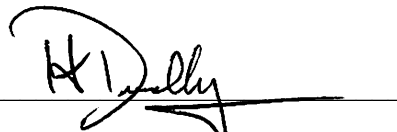
[X] BY E-MAIL

The above-referenced document was transmitted to the addressee(s) at the e-mail addresses listed herein, which are their most recently known e-mail addresses or e-mail addresses of record in this action. I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 13, 2024, at Pasadena, California.


Heather Donnelly

**PROOF OF SERVICE
1013A(3) CCP**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Ave., Ste. 101 Pasadena, CA 91103, and my electronic service address is hdonnelly@justicelawcorp.com.

On February 13, 2024, I served the foregoing document described as

ORDER APPROVING PLAINTIFF GRACIELA SANCHEZ'S INDIVIDUAL PAGA SETTLEMENT AND DISMISSING HER AS A NAMED PLAINTIFF

for the following case: **Ambary, et al. adv. Abbott Laboratories, Inc.**
LWDA/Court Case No.: **LWDA Case No.: CM-784920-20**
Court Case No.: FCS055061
Solano County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

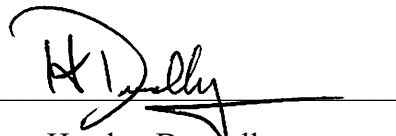
[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 13, 2024, at Pasadena, California.


Heather Donnelly