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Attorneys for Plaintiff ESMERALDA QUEVEDO, as an individual and on behalf of all similarly situated employees,

SUPERIOR COURT OF THE STATE OF CALIFORNIA

THE COUNTY OF LOS ANGELES

ESMERALDA QUEVEDO, as an individual
and on behalf of all similarly situated
employees,

Plaintiff.

v.

ANDERSON AMERICA, INC., and DOES 1
through 50, inclusive,

Defendant.

Case No.: RG20072404

CLASS ACTION

**DECLARATION OF JUSTIN LO IN
SUPPORT OF VOLUNTARY
DISMISSAL OF PAGA ALLEGATIONS**

Assigned to for all purposes:
Hon. Evelio Grillo; Dept.: 15

DECLARATION OF JUSTIN LO

I, Justin Lo, declare as follows:

1. I am over eighteen years of age and am duly licensed to practice law in the State of California; I am employed as an attorney by Work Lawyers, PC, legal counsel of record for Plaintiff, ESMERALDA QUEVEDO ("Plaintiff") in the above captioned action. The averments below are of my personal knowledge and if called upon, can testify thereto.

2. Plaintiff filed the operative complaint in this action on August 26, 2020, alleging PAGA claims arising thereon, for violations by Defendants, ANDERSON AMERICA, INC of Labor Code statutes and other laws concerning non-payment of overtime wages, failure to provide meal and rest periods, and failure to reimburse business related expenses, as well as alleging derivative claims for penalties arising from these violations.

3. Plaintiff now brings a voluntary request to dismiss PAGA related allegations and claims, without prejudice, based upon Defendants' practicable inability to fund a PAGA wide resolution to this action, due to severe financial distress.

4. At the commencement of this action Defendants were not able to operate it's physical storefronts primarily located in shopping malls due to the Covid-19 pandemic.

5. However, even prior to the Covid-19 pandemic, Defendants suffered downturns in business which jeopardized their ability to fund a PAGA-wide resolution to this action.

6. The ongoing public health crisis, the resulting business shut-downs and corresponding economic impact, further exacerbated the financial distress such that Defendants have permanently closed all their retail locations in shopping malls.

7. Consequently, Defendants have reported that it is not practicably feasible to fund a class-wide resolution in this action, and Plaintiff cannot offer evidence in dispute of this contention.

8. In the course of verifying Defendants' financial distress, Defendants produced to Plaintiff relevant corporate tax returns and profit & loss statements by Defendants' retained financial services advisor all of which were subsequently reviewed by Plaintiff's retained expert,

1 who likewise concluded Defendants were not in a position to fund a PAGA-wide resolution to this
2 action.

3 9. Based upon the foregoing facts, this request which dismisses PAGA claims without
4 prejudice carries no legal impact or consequence to a non-party employee to bring PAGA claims
5 him/herself with respect to any alleged violations at issue and does not diminish or otherwise affect
6 that employee's rights to pursue individual damages.

7 10. On February 1, 2021, copies of this Declaration and Plaintiff's Voluntary Request
8 for Dismissal are concurrently provided to the Labor and Workforce Development Agency.
9 Confirmation of submission of these documents are attached as Exhibit A.

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11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed on the 1st day of February, 2021 in Torrance, California.

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16 DECLARANT
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