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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

**PLAINTIFF'S VOLUNTARY REQUEST
FOR DISMISSAL OF PAGA
ALLEGATIONS**

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

Complaint Filed: August 26, 2020

**TO THE HONORABLE COURT, DEFENDANTS, AND THEIR ATTORNEYS OF
RECORD:**

Plaintiff, Esmerelda Quevedo (“Plaintiff”) hereby respectfully requests the Court dismiss Plaintiff’s action brought pursuant to *the California Private Attorneys’ General Act (PAGA)* with prejudice with respect to Plaintiff and without prejudice with respect to other aggrieved employees, pursuant to California Labor Code section 2699 (1) (2). (See Declaration of Justin Lo, filed concurrently herewith, at ¶2.)

Plaintiff filed a civil complaint in the above-captioned action for recovery of civil penalties pursuant to PAGA stating the claims described in the LWDA notice. (Lo Decl. at ¶2.)

As set forth in the Declaration of Justin Lo, filed concurrently with this request, the grounds and basis to request dismissal is the dire financial status of Defendants. (Lo Decl. at ¶3.) Prior to commencement of this action, and at the height of this litigation, Defendants operated their retail locations from shopping malls. (Lo Decl. at ¶4.) However, even prior to the Covid-19 pandemic, Defendants reportedly suffered downturns in business which jeopardized their ability to fund a PAGA-wide resolution to this action. (Lo Decl. at ¶5.) 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 the vast majority of their retail locations in shopping malls. (Lo Decl. at ¶6.) Consequently, Defendants have reported that it is not practicably feasible to fund a PAGA-wide resolution in this action, and Plaintiff cannot offer evidence in dispute of this contention. (Lo Decl. at ¶7.)

In the course of verifying Defendants’ financial distress, Defendants produced to Plaintiff relevant corporate/individual tax returns and profit & loss statements, a payroll analysis prepared by Defendants’ retained financial services advisor and summary detailing the downturn in business, all of which were subsequently reviewed by Plaintiff’s retained expert who likewise concluded Defendants were not in a position to fund a class-wide resolution to this action. (Lo Decl. at ¶8.)

Based upon the foregoing facts, this request which dismisses PAGA claims without prejudice carries no legal impact or consequence to a non-party employee to bring PAGA claims

1 him/herself with respect to any alleged violations at issue and does not diminish or otherwise affect
2 that employee's rights to pursue individual damages. (Lo Decl. at ¶9.)

3 Copies of this Declaration, Plaintiff's Voluntary Request for Dismissal and Notice of
4 Settlement are concurrently provided to the Labor and Workforce Development Agency. (Lo
5 Decl. at ¶10.)

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7 Dated: January 31, 2021

WORK LAWYERS, PC

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Justin Lo, Esq.

10 Attorney for Plaintiff ESMERALDA QUEVEDO
11 and on behalf of all employees similarly
12 situated
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