

ORIGINAL

FILED
Superior Court of California
County of Los Angeles

NOV 23 2020

Cherri R. Carter, Executive Officer/Clerk of Court
By [Signature] Deputy

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

ERNIE PULIDO, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

INTERTEK USA INC., a Louisiana
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 20STCV13927

[Assigned for all purposes to the Hon. William F.
Highberger, Dept. 10]

**JOINT STIPULATION RE: REQUEST FOR
DISMISSAL AND ~~PROPOSED~~ ORDER**

Complaint Filed: April 9, 2020
Trial Date: None Set

RECEIVED

NOV 18 2020

FILING WINDOW

BY FAX

12/07/2020

1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **WHEREAS**, on April 9, 2020, Plaintiff Ernie Pulido ("Plaintiff") filed a complaint
3 against Defendant Intertek USA Inc. ("Defendant") alleging putative class action and
4 representative claims. In the Complaint, Plaintiff alleged five causes of action against Defendant
5 for: (1) "Failure to Pay Wages"; (2) "Violation of Labor Code §§ 226.7 and 512"; (3) "Violation
6 of Labor Code § 226.7"; (4) "Violation of Labor Code § 226(a)"; (5) "Violation of Business and
7 Professions Code § 17200, et seq."; and (6) Violation of Labor Code § 2698 et seq. ("PAGA").

8 **WHEREAS**, shortly after filing Plaintiff's Complaint, the Parties met and conferred
9 concerning the impact of a prior class action settlement entitled *Quentin Costeiu v. Intertek*
10 *Testing Services, et al.*, Sacramento County Superior Court, Case No. 34-2016-00189662, in
11 which the Court finally approved a settlement on July 16, 2019, and which has a full release
12 which encompasses all of the claims in this action through March 28, 2019;

13 **WHEREAS**, in light of the prior settlement, Plaintiff's counsel assessed whether
14 proceeding on a class/PAGA basis was feasible and determined that it was not (Exhibit A; *See*
15 Declaration of Max W. Gavron per California Rules of Court 3.770(a));

16 **WHEREAS**, the Parties have been meeting and conferring regarding Plaintiff's
17 individual claims in light of the prior class action settlement, and have arrived at a confidential
18 settlement of Plaintiff's individual claims, which will resolve the matter;

19 **WHEREAS**, the Plaintiff was not offered, and did not receive, any consideration related
20 to dismissing alleged claims on behalf of the putative class or alleged aggrieved employees;

21 **WHEREAS**, the Parties agree that in exchange for the confidential settlement amount,
22 Plaintiff will dismiss his individual claims with prejudice;

23 **WHEREAS**, in conformance with California Rule of Court 3.770(a), Plaintiff also
24 requests that the Court dismiss his putative class and PAGA action claims without prejudice for
25 the reasons explained in the Declaration of Max Gavron;

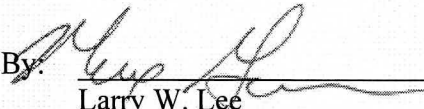
26 **NOW, THEREFORE, PLAINTIFF AND DEFENDANT, BY AND THROUGH THEIR
27 RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:**

The Parties jointly request that the Court enter the Proposed Order filed concurrently with

1 this Joint Stipulation.

2
3 DATED: November 18, 2020

DIVERSITY LAW GROUP, P.C.

4
5 By: 

Larry W. Lee

6 Max W. Gavron

7 Attorneys for Plaintiff and the Class

8 DATED: November 18, 2020

SEYFARTH SHAW LLP

9 
10 By: _____

Coby M. Turner

11 Phillip J. Ebsworth

12 Attorneys for Defendant
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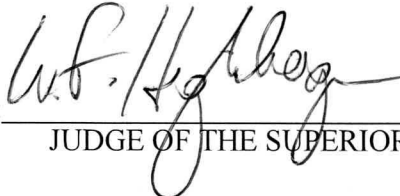
~~PROPOSED~~ ORDER

Having considered the Parties Stipulation, the Court rules as follows:

1. The Court dismisses Plaintiff's individual claims with prejudice;
2. The Court dismisses Plaintiff's putative class and PAGA claims **without prejudice**.

IT IS SO ORDERED.

DATED: 11/23/2020

By: 
JUDGE OF THE SUPERIOR COURT

12/07/2020

1 **PROOF OF SERVICE**

2 (Code of Civil Procedure Sections 1013a, 2015.5)

3
4 STATE OF CALIFORNIA]
5]ss.
6 COUNTY OF LOS ANGELES]

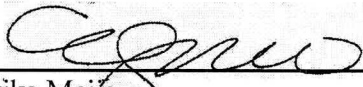
7 I am employed in the County of Los Angeles, State of California. I am over the age of
8 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite
9 1250, Los Angeles, California 90071.

10 On November 18, 2020, I served the following document(s) described as: **JOINT**
11 **STIPULATION RE: REQUEST FOR DISMISSAL AND [PROPOSED] ORDER** on the
12 interested parties in this action as follows:

13 Coby M. Turner
14 cturner@seyfarth.com
15 Phillip J. Ebsworth
16 pebsworth@seyfarth.com
17 Linda Ninelist
18 lninelist@seyfarth.com
19 Seyfarth Shaw LLP
20 400 Capitol Mall, Suite 2350
21 Sacramento, California 95814
22 *Attorneys For Defendant Intertek USA Inc.*

23 X BY ELECTRONIC SERVICE VIA CASE ANYWHERE: Based on a
24 court order I caused the above-entitled document(s) to be served through Case Anywhere at the
25 website www.caseanywhere.com, addressed to all parties appearing on the electronic service list
26 for the above-entitled case. The service transmission was reported as complete and a copy of the
27 Case Anywhere Filing Receipt/Confirmation will be filed, deposited, or maintained with the
28 original document(s) in this office.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on November 18, 2020, at Los Angeles, California.

12/07/2020
24 
25 Erika Mejia
26
27
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