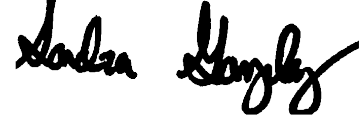


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Superior Court of California  
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Attorneys for Defendant  
IMAGINE SUPPORTED LIVING SERVICES

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN THE COUNTY OF SANTA CRUZ

KATT NOTTER, an individual,

Plaintiff,

vs.

IMAGINE SUPPORTED LIVING  
SERVICES, a California corporation, and  
DOES 1 TO 50, inclusive,

Defendants.

Case No. 20CV01698

**STIPULATION AND ORDER TO  
DISMISS THE PAGA CLAIM**

Complaint Filed: August 12, 2020  
No Trial Date Set

**RECITALS**

WHEREAS, Plaintiff Katt Notter ("Plaintiff") filed a Complaint in this action on August 12, 2020 against Defendant Imagine Supported Living Services ("Defendant") alleging claims arising out of her employment relationship with Defendant;

WHEREAS, the Third Cause of Action of the Plaintiff's Complaint was brought under the California Private Attorneys General Act of 2004, Cal. Labor Code §2698, *et seq.* ("PAGA"), to recover civil penalties on behalf of the State of California;

WHEREAS, Plaintiff and Defendant admit and agree that, as alleged in the Complaint, Plaintiff's employment with Defendant had ended as of May 13, 2019;

///

1 WHEREAS, Plaintiff admits that she did not give notice of alleged violations to the Labor  
2 Workforce Development Agency ("LWDA") pursuant to Labor Code §2699.3(a)(1) until August 4, 2020;

3 WHEREAS, Defendant has filed a Demurrer to the Complaint asserting, *inter alia*, that the PAGA  
4 claim is time-barred as a matter of law by the one year statute of limitations in Code of Civil Procedure  
5 §340(a) (*see Esparza v. Safeway, Inc.* (2019) 35 Cal.App.4th 42, 59);

6 WHEREAS, Plaintiff now admits and agrees that the PAGA claim is barred by the statute of  
7 limitations because she did not give notice of violation to the LWDA or file this lawsuit within one year  
8 following May 13, 2019.

9 **STIPULATION**

10 NOW THEREFORE, the parties, by and through their attorneys of record, stipulate as follows:

11 1. The parties request that the Court dismiss with prejudice Plaintiff's Third Cause of Action  
12 brought under the PAGA for civil penalties.

13 **IT IS SO STIPULATED.**

14  
15 Dated: December 9, 2020

HEIT LAW GROUP, P.C.

16  
17 By: Brian M. Heit  
18 Brian M. Heit  
19 Attorneys for Plaintiff  
KATT NOTTER

20  
21 Dated: December 9, 2020

VOGL MEREDITH BURKE LLP

22  
23 By:   
24 Michael S. Burke  
25 Mark D. Fenske  
26 Attorneys for Defendant  
27 IMAGINE SUPPORTED LIVING SERVICES  
28

**ORDER**

The stipulation of the parties is GRANTED.

The Third Cause of Action brought under the PAGA for civil penalties is hereby dismissed with prejudice.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_  
Signed: 12/11/2020 10:41 AM

  
\_\_\_\_\_  
Judge of the Superior Court  
Timothy Volkmann