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Attorneys for Plaintiff Kathy Bowles, on behalf of herself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

KATHY BOWLES, on behalf of herself and
all “aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

RG INVESTMENT REAL ESTATE
SERVICE, INC., a California corporation,
RGMPS, INC., a California corporation, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: 37-2020-00048318-CU-OE-CTL

*Assigned to the Hon. Richard S. Whitney,
Dept. C-68*

**DECLARATION OF ALEX P.
KATOFISKY IN SUPPORT OF
STIPULATION AND [PROPOSED]
ORDER APPROVING SETTLEMENT OF
CLAIMS AND DISMISSING ACTION**

[Labor Code § 2698 *et seq.*]

Complaint Filed: December 30, 2020

I, ALEX P. KATOFISKY, hereby declare and state as follows:

1. I am an attorney duly admitted to the practice of law in the State of California. I am a
of counsel for Gaines & Gaines, APLC, counsel for Plaintiff Kathy Bowles (“Plaintiff”) in this action.
I have personal knowledge of the facts set forth herein and if called to testify to them, I could and
would do so competently.

2. On December 30, 2020, Plaintiff filed a representative action complaint against
Defendants RG INVESTMENT REAL ESTATE SERVICE, INC. and RGMPS, INC. (collectively,
“Defendants”) (hereinafter, Plaintiff and Defendants are collectively referred to as the “Parties”)

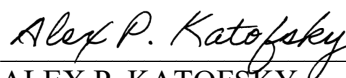
1 pursuant to the Private Attorneys General Act (Labor Code sections 2698 et seq.) ("PAGA"). In the
2 Complaint, Plaintiff alleged the following violations of the Labor Code against Defendants, arising
3 out of her employment with Defendants: (1) failure to pay for all hours worked at the correct rates of
4 pay (Labor Code §§ 510, 558, and 1194); (2) failure to provide compliant rest periods, or
5 compensation in lieu thereof (Labor Code §§ 226.7 and 558); (3) failure to provide compliant meal
6 periods, or compensation in lieu thereof (Labor Code §§ 226.7, 512, and 558); (4) failure to provide
7 accurate wage statements (Labor Code §§ 226 and 226.3); and (5) failure to pay employees all wages
8 due at the time of termination (Labor Code §§ 201 and 202). Plaintiff sought civil penalties on her
9 own behalf and on behalf of all aggrieved employees in California pursuant to the PAGA.

10 3. After repeated meet and confer efforts throughout the course of litigation about the
11 scope of Plaintiff's claims, and Defendants continued dispute of liability, the Parties have negotiated
12 a settlement of Plaintiff's individual claims only, and the PAGA claims will be dismissed without
13 prejudice.

14 4. The settlement between Plaintiff and Defendants does not contemplate the waiver of
15 any claims by anyone other than Plaintiff and does not provide for the waiver of PAGA claims
16 asserted on behalf of any employee or the State, such that there is no allocation of civil penalties in
17 the Settlement.

18 5. Concurrent with the filing of this Stipulation, the Parties have submitted the Settlement
19 Agreement to the LWDA in compliance with Labor Code section 2699(1)(2).

20 I declare, under penalty of perjury, under the laws of the State of California, that the foregoing
21 is true and correct. Executed on this 28th day of July, 2022 at Westlake Village, California.

22
23 
24 ALEX P. KATOFSKY

1 **PROOF OF SERVICE**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 within action. My business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On July 28, 2022, I served the foregoing document described as **DECLARATION OF ALEX P.**
6 **KATOFSKY IN SUPPORT OF STIPULATION AND [PROPOSED] ORDER APPROVING SETTLEMENT**
7 **OF CLAIMS AND DISMISSING ACTION** on the interested parties in this action by placing a true copy thereof
8 enclosed in sealed envelopes addressed as follows:

9 **William K. Browning Esq.**
10 **BROWNING HOCKER**
11 **501 West Broadway, Suite 540**
12 **San Diego, CA 92101**

13 On the above date:

14 X (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
15 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
16 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
17 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
18 meter date is more that one day after date of deposit for mailing in affidavit.

19 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
20 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
21 carrier or driver authorized by the express carrier to receive documents.

22 _____ (BY FACSIMILE TRANSMISSION) On July 28, 2022, at _____ a.m./p.m., at Ventura, California, I served
23 the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008 of the
24 California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
25 telephone number(s) of the receiving facsimile machine was (____) ____-____. A transmission report was properly
26 issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
27 the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

28 _____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the
Labor & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov) in
accordance with the procedure imposed by the LWDA.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and

correct. Executed on July 28, 2022, at Westlake Village, California.

Beatriz Franco
BEATRIZ FRANCO