

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

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*

**STIPULATION AND [PROPOSED]
ORDER APPROVING SETTLEMENT OF
CLAIMS AND DISMISSING ACTION**

[Labor Code § 2698 *et seq.*]

[Filed Concurrently with Declaration of Alex
P. Katofsky]

Complaint Filed: December 30, 2020

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

WHEREAS, On December 30, 2020, Plaintiff Kathy Bowles (“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”) pursuant to the Private Attorneys General Act (Labor Code sections 2698 *et seq.*) (“PAGA”). In the Complaint, Plaintiff alleged the following claims under PAGA: (1) failure to pay for all hours worked at the correct rates of pay (Labor Code §§ 510, 558, and 1194); (2) failure to provide compliant rest periods, or compensation in lieu thereof (Labor Code §§ 226.7 and 558); (3) failure to provide compliant meal periods, or compensation in lieu thereof (Labor Code §§ 226.7, 512, and 558); (4) failure to provide accurate wage statements (Labor Code §§ 226 and 226.3); and (5) failure to pay employees all wages due at the time of termination (Labor Code §§ 201 and 202). Plaintiff sought civil penalties on her own behalf and on behalf of all aggrieved employees in California pursuant to the PAGA (Declaration of Alex P. Katofsky [“Katofsky Decl.”], ¶ 2);

WHEREAS, after repeated meet and confer efforts throughout the course of litigation about the scope of Plaintiff’s claims, and Defendants continued dispute of liability, the Parties have negotiated a settlement of Plaintiff’s individual claims only, with the PAGA claims to be dismissed without prejudice (Katofsky Decl., ¶ 4);

WHEREAS, the settlement between Plaintiff and Defendants does not contemplate the waiver of any claims by anyone other than Plaintiff and does not provide for the waiver of PAGA claims asserted on behalf of any employee or the State, such that there is no allocation of civil penalties in the Settlement (Katofsky Decl. ¶ 5);

WHEREAS, concurrent with the filing of this Stipulation, the Parties have submitted the Settlement Agreement to the Labor and Workforce Development Agency in compliance with Labor Code section 2699(1)(2) (Katofsky Decl. ¶ 6); and

1 **WHEREAS**, this Court shall retain jurisdiction pursuant to Code of Civil Procedure § 664.6
2 to enforce the settlement, including but not limited to all matters related to the settlement and the
3 determination of all controversies relating thereto.

4 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties hereto
5 through their respective attorneys of record that Plaintiff's individual claims shall be dismissed with
6 prejudice, and the claims of all allegedly "aggrieved employees" shall be dismissed without prejudice.

7 **IT IS SO STIPULATED.**

8 Dated: July 22, 2022

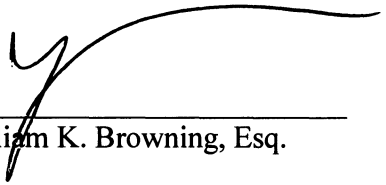
9 For Plaintiff:

10 GAINES & GAINES, APLC

For Defendant:

BROWNING | HOCKER

11
12
13 By: Alex P. Katofsky
14 Alex P. Katofsky, Esq.

15
16
17 By: 
18 William K. Browning, Esq.

ORDER

The Court, having reviewed the Parties' stipulation and any and all supporting papers, hereby
ORDERS that:

1. The settlement of Plaintiff's individual claims is APPROVED;
2. The action is hereby DISMISSED WITH PREJUDICE as to Plaintiff's individual claims, and DISMISSED WITHOUT PREJUDICE as to claims under PAGA asserted on behalf of all aggrieved employees; and
3. The Court shall retain jurisdiction under Code of Civil Procedure Section 664.6 with respect to all matters related to the consummation of the settlement.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

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 **STIPULATION AND [PROPOSED]**
6 **ORDER APPROVING SETTLEMENT OF CLAIMS AND DISMISSING ACTION** on the interested parties in
7 this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

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

12 On the above date:

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

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

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

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

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

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

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

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

35 Beatriz Franco
36 BEATRIZ FRANCO