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Attorney for Plaintiffs Andrew Shin and Hector Rodriguez

FILED
Superior Court of California
County of Los Angeles

03/14/2024

David W. Slayton, Executive Officer / Clerk of Court

By: A. Williams Deputy

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

DAVID GONZALEZ, as an individual and
on behalf of all similarly situated employees,

Plaintiff,

v.

GEN CERRITOS, LLC; GEN
DEVELOPMENT, LLC; GEN ALHAMBRA,
LLC; GEN CHINO HILLS, LP; GEN
CONCORD, LP; GEN FREMONT, LP; GEN
MILPITAS, LP; GEN MONTCLAIR, LP;
GEN MOUNTAIN VIEW, LP; GEN
NORTHRIDGE, LP; GEN RANCHO
CUCAMONGA, LP; GEN SACRAMENTO,
LP; GEN SAN JOSE, LP; GEN TORRANCE,
LLC; DAVID KIM; and DOES 1 through 50,
inclusive,

Defendant.

ANDREW SHIN, HECTOR RODRIGUEZ,
individually and on behalf of others similarly
situated, and on behalf of the general public,

Plaintiffs,

vs.

GEN CERRITOS, LLC dba GEN KOREAN

Case No. 19STCV33537 (Lead)
Consolidated Case No. 21STCV06627

Assigned to Hon. Stephen P. Pfahler, Dept. 68

**STIPULATION FOR DISMISSAL OF
HECTOR RODRIGUEZ'S INDIVIDUAL
PAGA CLAIMS WITHOUT PREJUDICE
AND DISMISSAL OF INDIVIDUAL
CLAIMS WITH PREJUDICE**

Action filed: September 23, 2019
Trial date: None set

HOUSE BBQ, a Delaware Limited Liability Company; STEVE OH, an individual; DAVID WOOK JIN KIM, an individual, and DOES 1 through 25, inclusive,

Defendants.

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

IT IS HEREBY STIPULATED by and between Plaintiff Hector Rodriguez (“Plaintiff”) and Defendants Gen Cerritos, LLC dba Gen Korean House BBQ, Steve Oh, and David Wook Jin Kim (“Defendants”) (collectively, the “Parties”), by and through their respective counsel of record as follows:

WHEREAS, on December 9, 2020, Plaintiff sent a notice to the Labor and Workforce Development Agency (“LWDA”) and to the Defendants, alleging that the Company engaged in violations of the California Labor Code and California Wage Order(s) (“PAGA Notice”).

WHEREAS, Plaintiff filed a representative action complaint against the Defendants in the Los Angeles County Superior Court designated Case No. 21STCV06627 (the “Action”) on February 19, 2021, in which Plaintiff, on behalf of other employees, claims various Labor Code violations pursuant to the Private Attorney General Act (“PAGA”);

WHEREAS, on May 13, 2022, Plaintiff initiated arbitration against the Defendants with Judicate West before Jeffery Owensby, Esq. alleging various violations of the California Labor Code; and

WHEREAS, on August 27, 2022, Plaintiffs’ (including co-Plaintiff Andrew Shin) action was consolidated with *David Gonzalez v. Gen Cerritos, LLC, et al.*, Case No. 19STCV33537; and

WHEREAS the Company filed a Motion to Compel Arbitration pursuant to an arbitration agreement between Plaintiff and the Defendants on October 17, 2022, which motion was granted as

1 to Plaintiff's individual PAGA claims based on the causes of action set forth above with the Court
2 and staying the claims on behalf of other aggrieved employees;

3 WHEREAS Plaintiff's individual claims, including Plaintiff's individual PAGA claims
4 ("Individual Claims"), are pending in Judicate West as *Hector Rodriguez vs. Gen Cerritos LLC*,
5 *David Wook Jin Kim, and Steven Oh* – Judicate West Ref No. A291170. ("Arbitration").

6 WHEREAS the Parties entered into a settlement agreement for Plaintiff's Individual Claims
7 on February 14, 2024 (hereinafter "Agreement").

8 WHEREAS the Parties both acknowledge and agree that the Agreement is as to Plaintiff's
9 Individual Claims only and specifically exclude any representative claims. The Agreement shall
10 not, in any way, affect the pendency of the representative claims on behalf of Plaintiff and the
11 allegedly aggrieved employees which shall be litigated in the Action;

12 WHEREAS, the Parties request that the stay on the Action be lifted only to the extent
13 necessary to seek dismissal of the Individual Claims and should dismissal not be approved by the
14 Court, the stay of the Representative Claim will remain in effect and the Individual Claims will
15 proceed in binding private arbitration;

16 WHEREAS, the Parties agreed that Plaintiff will be compensated subject to the terms of
17 the Agreement for his portion of alleged PAGA penalties and interest in the amount of Six
18 Thousand Dollars (\$6,000.00).

19 WHEREAS, the Parties agreed that Four Thousand Five Hundred Dollars (\$4,500.00)
20 represents the 75% share of PAGA penalties and interest for Plaintiffs to be paid to the "Labor and
21 Workforce Development Agency" subject to the terms of the Agreement.

22 WHEREAS, the Parties are also concurrently submitting the Stipulation for Dismissal and
23 the PAGA Settlement to the California Labor Workforce Development Agency ("LWDA") in
24 compliance with California Labor Code section 2699(1)(2).

25 WHEREAS, the Parties seek to fully resolve all Individual Claims, the Parties seek to
26 dismiss Plaintiffs' individual PAGA claims with prejudice;

27 NOW THEREFORE, the Parties herein stipulate as follows:
28

1 1. The individual PAGA claims for any alleged violations suffered by Plaintiff shall
2 be dismissed with prejudice.

3 2. This Agreement does not in any way affect the pendency of the representative
4 claims.

5 3. Subject to the terms of the Agreement, Defendants will pay the sum of Four
6 Thousand Five Hundred Dollars (\$4,500.00) to the “Labor and Workforce Development Agency”
7 for the LWDA’s 75% share of PAGA penalties and interest for Plaintiff.

8
9 **DATED: March 13, 2024**

GENIE HARRISON LAW FIRM, APC

10
11 By: 
12 **Genie Harrison, Esq.**
13 **Jennifer Ostertag, Esq.**
14 **Andrea Fields, Esq.**
15 **Attorneys for Plaintiffs**

16
17 **DATED: March 13, 2024**

BARNES & THORNBURG, LLP

18
19 /s/ Amy Choe
20 By: _____
21 **Soo Park, Esq.**
22 **Amy Choe, Esq.**
23 **Attorneys for Defendants**

[PROPOSED] ORDER

Based on the parties' stipulation, and good cause appearing therefor, IT IS HEREBY ORDERED:

1. Plaintiff Hector Rodriguez's Individual Labor Code Claims and Individual PAGA Claims are dismissed with prejudice.
2. The resolution of Plaintiff Hector Rodriguez's Individual Labor Code Claims and Individual PAGA Claims shall not, in any way, affect the pendency of the representative claims on behalf of Plaintiff and the allegedly aggrieved employees.
3. The PAGA claims on behalf of other aggrieved employees remain stayed pending the resolution of the remaining Plaintiff's Individual Claims.
4. Subject to the terms of the Agreement, Defendants shall pay the sum of Four Thousand Five Hundred Dollars (\$4,500.00) to the "Labor and Workforce Development Agency" for the LWDA's 75% share of Plaintiff's individual PAGA penalties and interest.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "Stephen P. Pfahler".

Dated: 03/14/2024

Stephen P. Pfahler / Judge

Hon. Stephen P. Pfahler
Judge of the Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 523 West 6th Street, Suite 707, Los Angeles, California 90014.

On **March 13, 2024**, I caused the service of the following document described as:

STIPULATION FOR DISMISSAL OF HECTOR RODRIGUEZ'S INDIVIDUAL PAGA CLAIMS WITHOUT PREJUDICE AND DISMISSAL OF INDIVIDUAL CLAIMS WITH PREJUDICE

on all interested parties in this action as follows:

<u>Attorneys for Defendants</u> Soo Y. Park , Esq. Amy Choe, Esq. Michael Witczak, Esq. Barnes & Thornburg LLP 2029 Century Park East, Suite 300 Los Angeles, CA,90067 spark@btlaw.com michael.witczak@btlaw.com amy.choe@btlaw.com	<u>Attorney for David Gonzalez</u> Justin Lo, Esq. Work Lawyers PC 22939 Hawthorne Blvd., Suite 202 Torrance, CA 90505 Telephone: (866) 496-7552 Facsimile: (424) 355-8535 E-mail: justin@caworklawyer.com
<u>Labor and Workforce Development Agency</u> <u>Via Online Submission:</u> Stipulation for Dismissal and Proposed Settlement Agreement https://dir.tfaforms.net/315	<u>Attorney for David Gonzalez</u> Kevin Mahoney, Esq. Michael A. Swift, Esq. 249 East Ocean Blvd., Suite 814 Los Beach, CA 90802 Telephone: (562) 590-5550 Facsimile: (562) 590-8400 E-mail: kmahoney@mahoney-law.net mswift@mahoney-law.net

☒ **[By Electronic Mail Service]** I caused the document(s) described above to be sent from email address zenia@genieharrisonlaw.com to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **[State]** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **March 13, 2024**, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Zenias Anderson