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Attorneys for Defendants

SUPERIOR COURT FOR THE STATE CALIFORNIA
FOR THE COUNTY OF ORANGE

JENNIFER LEE, DENNY HUANG,
individually and on behalf of others similarly
situated, and on behalf of the general public,

Plaintiffs,

vs.

FIRST AMERICAN SPECIALTY
INSURANCE COMPANY, a California
corporation; FIRST AMERICAN PROPERTY
& CASUALTY INSURANCE AGENCY,
INC., a California corporation; and DOES 1
through 25, inclusive,

Defendants.

Case No. 30-2021-01218245-CU-OE-CXC

Assigned to Hon. William Claster, Dept. CX-
104

**STIPULATION FOR DISMISSAL OF
PAGA CLAIMS WITHOUT PREJUDICE
AND DISMISSAL OF INDIVIDUAL
CLAIMS WITH PREJUDICE**

Action filed: August 26, 2021

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

3 **IT IS HEREBY STIPULATED** by and between Plaintiffs Jennifer Lee (“Lee”) and
4 Denny Huang (“Huang”) (“Plaintiffs”) and Defendants First American Specialty Insurance
5 Company and First American Property & Casualty Insurance Agency, Inc. (“Defendants”)
6 (collectively, the “Parties”), by and through their respective counsel of record as follows:

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8 WHEREAS, on January 20, 2021, Plaintiffs filed a notice with the California Labor and
9 Workforce Development Agency (“LWDA”) of their intention to file a representative action under
10 California’s Private Attorneys General Act (“PAGA”); and

11 WHEREAS, on August 26, 2021, Plaintiffs filed a complaint in the Orange County (CA)
12 Superior Court (the “Court”), Case No. 30-2021-01218245-CU-OE-CXC, currently pending
13 before the Honorable William. D. Claster, alleging a single cause of action for violation of PAGA
14 and seeking to recover civil penalties for various violations of the California Labor Code allegedly
15 committed by First American (the “Action”); and

16 WHEREAS, on August 12, 2022, the Court (i) compelled the Plaintiffs’ individual PAGA
17 claims to binding arbitration along with Plaintiff’s individual claims pursuant to arbitration
18 agreements Plaintiffs entered into during their respective employment with First American (the
19 “Individual Claims”) and (ii) stayed the representative component of the PAGA cause of action
20 (the “Representative Claim”) pending the completion of Plaintiffs’ individual arbitrations; and

21 WHEREAS, the Parties attended a mediation with Hon. David J. Buckley (Ret.) of
22 Signature Resolution on February 22, 2023 (“the Mediation”) and shortly thereafter entered into
23 an agreement to settle, fully and finally, all claims Plaintiffs might have against Defendants up to
24 and including the date of execution of the Agreement (hereinafter “Agreement”);

25 WHEREAS, Defendants represented that there were no other aggrieved employees other
26 than Plaintiffs, Plaintiffs agreed, and thus, the Parties seek to dismiss the representative PAGA
27 action as to other allegedly aggrieved employees without prejudice;

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

5 WHEREAS, the Parties agreed that Lee will be compensated subject to the terms of the
6 Agreement for his portion of alleged PAGA penalties and interest in the amount of Sixteen
7 Thousand Eight Hundred Seventy-Five Dollars (\$16,875.00).

8 WHEREAS, the Parties agreed that Huang will be compensated subject to the terms of the
9 Agreement for his portion of alleged PAGA penalties and interest in the amount of Sixteen
10 Thousand Eight Hundred Seventy-Five Dollars (\$16,875.00).

11 WHEREAS, the Parties agreed that Eleven Thousand Two Hundred Fifty Dollars
12 (\$11,250.00) represents the 75% share of PAGA penalties and interest for Plaintiffs to be paid to
13 the “Labor and Workforce Development Agency” subject to the terms of the Agreement.

14 WHEREAS, The Parties are also concurrently submitting the Stipulation for Dismissal and
15 the PAGA Settlement to the California Labor Workforce Development Agency (“LWDA”) in
16 compliance with California Labor Code section 2699(1)(2).

17 WHEREAS, the Parties seek to fully resolve all claims related to this matter, the Parties
18 seek to dismiss Plaintiffs’ PAGA claims with prejudice;

19 NOW THEREFORE, the Parties herein stipulate as follows:

- 20 1. The entire action will be dismissed.
- 21 2. The PAGA claims for any alleged violations suffered by Plaintiffs shall be
22 dismissed with prejudice.
- 23 3. The PAGA claims for any alleged violations suffered by other allegedly aggrieved
24 employees shall be dismissed without prejudice.
- 25 4. Subject to the terms of the Agreement, Defendants will pay the sum of Eleven
26 Thousand Two Hundred Fifty Dollars (\$11,250.00) to the “Labor and Workforce Development
27 Agency” for the LWDA’s 75% share of PAGA penalties and interest for Plaintiffs.

1 5. No other monies, including attorneys' fees and costs, will be owed by Defendants
2 in connection with or as a result of this dismissal.

3
4 **DATED: May 23, 2023**

GENIE HARRISON LAW FIRM, APC

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12 By: _____


**Genie Harrison, Esq.
Jennifer Ostertag, Esq.
Andrea Fields, Esq.
Attorneys for Plaintiffs**

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28 **DATED: May 23, 2023**

**CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP**

/s/ Barbara I. Antonucci
By: _____

**David Kurtz, Esq.
Barbara I. Antonucci, Esq.
Attorneys for Defendants**

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[PROPOSED] ORDER

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

1. The entire action is dismissed.
2. The PAGA claims for any alleged violations suffered by Plaintiffs shall be dismissed with prejudice.
3. The PAGA claims for any alleged violations suffered by other allegedly aggrieved employees shall be dismissed without prejudice;
4. Subject to the terms of the Agreement, Defendants shall pay the sum of Eleven Thousand Two Hundred Fifty Dollars (\$11,250.00) to the “Labor and Workforce Development Agency” for the LWDA’s 75% share of Plaintiffs’ PAGA penalties and interest.
5. No other monies, including attorneys’ fees and costs, will be owed by Defendants in connection with or as a result of this dismissal.

IT IS SO ORDERED.

Dated: _____

Hon. William Claster
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 May 23, 2023, I caused the service of the following document described as:

**STIPULATION FOR DISMISSAL OF PAGA CLAIMS WITHOUT PREJUDICE AND
DISMISSAL OF INDIVIDUAL CLAIMS WITH PREJUDICE; ORDER RE DISMISSAL
OF ENTIRE ACTION**

on all interested parties in this action as follows:

<u>Attorneys for Defendants</u> Barbara I. Antonucci, Esq. CONSTANGY, BROOKS, SMITH & PROPHETE, LLP 601 Montgomery Street, Suite 350 San Francisco, CA 94111 Telephone: (415) 918-3000 Facsimile: (415) 918-3001 bantonacci@constangy.com	<u>Attorneys for Defendants</u> David Kurtz, Esq. CONSTANGY, BROOKS, SMITH & PROPHETE LLP 2029 Century Park East, Suite 1100 Los Angeles, California 90067 Telephone: 310.909.7775 Facsimile: 424.465.6630 dkurtz@constangy.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	

☒ **[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 May 23, 2023, 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.



Zenia Anderson