

FILED

KERN COUNTY SUPERIOR COURT
05/13/2022

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DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN

AMADO LOPEZ, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

WORLDWIND SERVICES, LLC, a California
limited liability company; and DOES 1 through
100, inclusive,

Defendant.

Case No. BCV-21-100347

**STIPULATION AND JOINT MOTION
FOR DISMISSAL OF ACTION
PURSUANT TO SETTLEMENT AND
~~PROPOSED~~ ORDER**

Hon. Bernard C. Barmann, Jr.
Dept. 10

Action Filed: February 18, 2021
Trial Date: Not Yet Assigned

1 Plaintiff AMADO LOPEZ (“Lopez”) and Defendant WORLDWIND SERVICES, LLC
2 (“WWS”) hereby jointly move this Court for an order approving the Parties’ settlement, and
3 dismissing the Action as set forth below. This motion is based upon the following stipulated facts.

4 **STIPULATION**

5 Plaintiff and Defendant stipulate, by and through their respective counsel, as follows:

- 6 1. Plaintiff Amado Lopez was an hourly, non-exempt employee of Defendant WWS
7 who worked in California at various times from approximately July 16, 2015.
- 8 2. On November 18, 2019, another former WWS employee, Alejandro Rodriguez, filed
9 a putative wage and hour class action and PAGA complaint in Kern County Superior
10 Court in *Rodriguez v. Worldwind Services, LLC*, Kern County Superior Court Case
11 No. BCV-19-103236 (the “*Rodriguez Action*”). The *Rodriguez Action* is currently
12 pending. A copy of the *Rodriguez* Complaint is attached hereto as **Exhibit A**. That
13 action asserts wage and hour class action causes of action on behalf of a putative
14 class of current and former hourly, non-exempt WWS employees who worked in
15 California at any time from the period starting four years prior to the filing of the
16 Complaint (Exhibit A, ¶ 13.)
- 17 3. Plaintiff Lopez filed his putative class action complaint on February 18, 2021. As
18 in the *Rodriguez Action*, Plaintiff Lopez asserts wage and hour causes of action on
19 behalf of himself, and a putative class of current and former non-exempt hourly
20 employees of WWS in California (see ¶ 4 of Plaintiff’s Complaint), as well as a
21 PAGA cause of action. Plaintiff Lopez’s Complaint is attached hereto as **Exhibit**
22 **B**.
- 23 4. On September 16, 2021, this Court granted WWS’ demurrer to Plaintiff Lopez’s
24 PAGA cause of action, on the ground that the same action is currently pending in
25 the *Rodriguez Action*. A true and correct copy of the Court’s order granting the
26 demurrer and staying Lopez’s PAGA cause of action is attached here to as **Exhibit**
27 **C**.
- 28 5. Recognizing that his putative class claims and PAGA claims are duplicative of those

1 asserted in the prior filed *Rodriguez Action*, Plaintiff Lopez agreed to settle and
2 dismiss with prejudice his individual claims, and to dismiss his putative class and
3 PAGA claims without prejudice to any other current or former employee's right to
4 pursue those claims. In doing so, the parties negotiated a settlement amount based
5 on Plaintiff's individual claims only, and Plaintiff Lopez agreed to accept a
6 settlement payment in exchange for his general release of claims, and his agreement
7 to not participate in any currently pending or subsequent collective action against
8 WWS. The parties have entered into the settlement agreement attached hereto as
9 **Exhibit D.**

- 10 6. The parties agree to waive formal notice of and hearing on this motion, and request
11 that the Court, at its earliest convenience, enter an order dismissing Plaintiff's
12 individual claims with prejudice, and his putative class and PAGA claims without
13 prejudice as to any other individual's right to pursue such claims.

14 **JOINT MOTION FOR DISMISSAL**

15 The parties hereby make this joint motion to dismiss the instant action, based upon the facts
16 stated in the above stipulation and in the accompanying declaration of Plaintiff's counsel, Andranik
17 Tsarukyan.

18 A. **Legal Authority**

19 Court approval is required for dismissal of a class action. (CA Rule of Court ("CRC"), Rule
20 3.770(a).) The request for dismissal must be accompanied by a declaration setting forth the facts
21 on which the party relies, which describes the consideration being given for the dismissal. (*Id.*)
22 The Court may grant the request without a hearing. (CRC Rule 3.770(b).) Where the class has not
23 been certified, notice of the dismissal need not be given to the putative class members where the
24 court finds that the dismissal will not prejudice them. (CRC Rule 3.770(c).)

25 B. **The Settlement Does Not Prejudice the Putative Class Members**

26 As set forth in the above stipulation and in the accompanying Declaration of Plaintiff's
27 counsel, Andranik Tsarukyan, the Parties agreed to a settlement which provides for Plaintiff's
28 individual release and dismissal with prejudice of his individual claims only. In recognition of the

1 previously-filed class action and PAGA claims in the *Rodriguez Action* which cover the same
2 collective claims, damages, and penalties as Plaintiff Lopez's claims, Mr. Lopez agreed to accept a
3 settlement amount of \$15,000, reflecting a reasonable settlement of his individual wage and hour
4 claims only. The settlement does not affect any other individual's ability to pursue their own
5 claims, including the Plaintiff and putative class members in the *Rodriguez Action*.

6 C. Conclusion

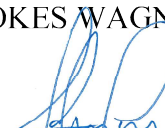
7 Based on the foregoing, the Parties jointly request that the Court enter an order as follows:

- 8 1. Approving the Parties' settlement, as stated in the accompanying settlement agreement
9 (Exhibit D), pursuant to CRC Rule 3.770;
10 2. Dismissing Plaintiff Lopez's individual claims, with prejudice; and
11 3. Dismissing Plaintiff Lopez's putative class and PAGA claims, without prejudice as to
12 any other individual's right to pursue such claims.

13
14 By executing below, the parties stipulate to the facts stated above, and jointly move for the
15 relief requested herein.

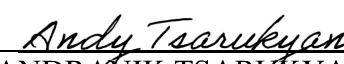
16 Dated: May 5, 2022

STOKES WAGNER, ALC

17
18 By: 
19 ADAM L. PARRY
20 MATTHEW R. BAKER
Attorneys for Defendant WORLDWIND
SERVICES, LLC

21 Dated: May 5, 2022

REMEDY LAW GROUP LLP

22
23
24 By: 
25 ANDRANIK TSARUKYAN
26 ARMEN ZENJIRYAN
PATRICIA LYNNE MITCHELL
Attorneys for Plaintiff AMADO LOPEZ

1 **~~PROPOSED~~ ORDER**

2 Having considered the Parties' Stipulation and Joint Motion For Dismissal of Action
3 Pursuant to Settlement, and good cause appearing therefor, the Court orders as follows:

- 4 1. The Parties' settlement is approved;
5 2. Plaintiff's individual claims are dismissed with prejudice; and
6 3. Plaintiff's putative class and PAGA claims are dismissed without prejudice as to any
7 other individual's right to pursue their own individual, class, or PAGA claims.

8
9 **IT IS SO ORDERED.**

10
11 Dated: Signed: 5/13/2022 04:24 PM

12 By: 
13 HON. BERNARD C. BARMANN, JR.
14 Superior Court Judge
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