

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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

12 JOSE AGUILERA, as an aggrieved employee
13 pursuant to the Private Attorneys General Act
14 ("PAGA"), on behalf of the State of California and
15 other aggrieved employees,

16 Plaintiff,

17 vs.

18 DOLE PACKAGED FOODS, LLC, a
19 California limited liability company; and
20 DOES 1 through 10, inclusive,

21 Defendants,

Case No.: 21CV-00817

[Assigned for all purposes to the Honorable Brian
L. McCabe, Courtroom 8]

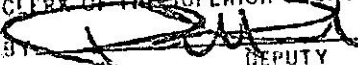
**~~PROPOSED~~ ORDER GRANTING
DEFENDANT DOLE PACKAGED FOODS,
LLC'S MOTION FOR SUMMARY
JUDGMENT OR, ALTERNATIVELY,
SUMMARY ADJUDICATION**

Date: September 20, 2023
Time: 8:15 a.m.
Courtroom: 8

FAC: May 24, 2021
Complaint Filed: March 15, 2021
Trial Date: None

FILED

2023 SEP 20 AM 11:21

CLERK OF THE SUPERIOR COURT
BY  DEPUTY

[REDACTED] ORDER

Defendant Dole Packaged Foods, LLC's ("Defendant" or "Dole") Motion for Summary Judgment or, in the Alternative, Summary Adjudication came on regularly for hearing in Courtroom 8 of the above-entitled Court. Appearances by counsel were as reflected on the record. After full consideration of the evidence, the papers on file herein and the arguments of counsel, and good cause appearing therefore, **IT IS HEREBY ORDERED** that:

GROUND NO. 1 (SUMMARY JUDGMENT): Defendant's Motion for Summary Judgment is GRANTED in its entirety as there are no triable issues of material fact, and Defendant is entitled to judgment as a matter of law because the undisputed material facts establish that Dole did not commit any Labor Code violations with respect to Plaintiff, and therefore Plaintiff's Private Attorneys General Act ("PAGA") claim fails.

[Alternative Grounds. The Court finds that there is no triable issue of material fact, and that Defendant is entitled to judgment as a matter of law, on the following grounds:

GROUND NO. 2 (SUMMARY ADJUDICATION): Dole is entitled to summary adjudication with respect to Plaintiff Jose Aguilera's ("Plaintiff") cause of action for penalties under the California Labor Code Private Attorneys General Act ("PAGA") based on the alleged failure to pay overtime wages predicated upon Labor Code Sections 510 and 1198 because the undisputed material facts establish that Plaintiff was paid all owed overtime wages during the relevant statutory period.

GROUND NO. 3 (SUMMARY ADJUDICATION): Dole is entitled to summary adjudication with respect to Plaintiff's cause of action for civil penalties under PAGA based on the alleged failure to pay minimum wages predicated upon Labor Code Sections 1182.12, 1194, 1197, and 1198 because the undisputed material facts establish that Plaintiff was paid all minimum wages owed during the relevant statutory period.

GROUND NO. 4 (SUMMARY ADJUDICATION): Dole is entitled to summary adjudication with respect to Plaintiff's cause of action for civil penalties under PAGA based on the alleged failure to provide meal periods predicated upon Labor Code Sections 226.7, 512(a), 516, 1198, and the IWC Wage Order because the undisputed material facts establish that he was provided

1 with all meal periods owed during the relevant statutory period.

2 **GROUND NO. 5 (SUMMARY ADJUDICATION):** Dole is entitled to summary
3 adjudication with respect to Plaintiff's cause of action for civil penalties under PAGA based on the
4 alleged failure to provide rest periods predicated upon Labor Code Sections 226.7, 516, 1198, and
5 the applicable IWC Wage Order because the undisputed material facts establish that he was provided
6 with all rest periods owed during the relevant statutory period.

7 **GROUND NO. 6 (SUMMARY ADJUDICATION):** Dole is entitled to summary
8 adjudication with respect to Plaintiff's cause of action for civil penalties under PAGA based on the
9 alleged failure to pay wages at termination predicated upon Labor Code Sections 201-202 because
10 the undisputed material facts establish that Plaintiff was paid all owed wages at termination during
11 the relevant statutory period.

12 **GROUND NO. 7 (SUMMARY ADJUDICATION):** Dole is entitled to summary
13 adjudication with respect to Plaintiff's cause of action for civil penalties under PAGA based on the
14 alleged failure to provide one day's rest in seven predicated upon Labor Code Sections 551, 552, and
15 558 because the undisputed material facts establish that Plaintiff did not work seven days in a week
16 during the relevant statutory period.

17 **GROUND NO. 8 (SUMMARY ADJUDICATION):** Dole is entitled to summary
18 adjudication with respect to Plaintiff's cause of action for civil penalties under PAGA based on the
19 alleged failure to reimburse necessary business expenses predicated upon Labor Code Section 2802
20 because the undisputed material facts establish that Plaintiff did not incur any necessary business
21 expenses during the relevant statutory period.]

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23 **IT IS SO ORDERED.**

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25 Dated: 9-20-23, 2023


HONORABLE BRIAN L. MCCABE
JUDGE OF THE SUPERIOR COURT
