

1 **MOUTON LAW**
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7 Attorney for Plaintiffs
8 DANILO ANG & REBECCA HOLLMAN

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11
12 FOR THE COUNTY OF SAN DIEGO
13
14 CENTRAL DIVISION

15 DANILO ANG, an individual, and REBECCA
16 HOLLMAN, an individual, on behalf of
17 themselves and other aggrieved employees,

18 Plaintiffs,

19 vs.

20 INFINITY LABORATORIES, INC., Colorado
21 corporation; SOPHIA SUECK, an individual;
22 JOANNE STARKEY, an individual, and DOES
23 1-20, inclusive.

24 Defendants.

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
12/07/2023 at 01:36:00 PM
Clerk of the Superior Court
By Mariejo Guyot, Deputy Clerk

CASE NO.: 37-2021-00025757-CU-WT-CTL

**PLAINTIFFS' REQUEST DISMISS PAGA
CLAIMS WITHOUT PREJUDICE;
DECLARATION OF STACEY MOUTON
IN SUPPORT THEREOF; ~~[PROPOSED]~~
ORDER**

Dep't: C-75
Judge: Hon. James A. Mangione
Complaint Filed: January 19, 2024
Trial Date: Not set

1 Plaintiffs Danilo Ang and Rebecca Hollman (“Plaintiffs”), by and through their counsel,
2 hereby request as follows:

3 WHEREAS, on June 11, 2021, Plaintiffs filed a complaint against Defendants Infinity
4 Laboratories, Inc., Sophia Sueck, and Joanne Starkey (“Defendants”) in the Superior Court of
5 California, County of San Diego (the “Action”);

6 WHEREAS, after extensive motion practice, Plaintiffs filed the operative Seconded
7 Amended Complaint against Defendants on June 24, 2022 (the “Complaint”);

8 WHEREAS, on August 25, 2022, Defendants answered Plaintiffs’ complaint denying the
9 allegations therein;

10 WHEREAS, Plaintiffs’ Complaint asserted several wage-and-hours causes of action on
11 behalf of themselves (*see* ROA No. 42, COA Nos. 12–15);

12 WHEREAS, Plaintiffs’ Complaint also asserted representative claims on behalf of the State
13 of California through the Private Attorneys General Act (*see* ROA No. 42, COA Nos. 16–17);

14 WHEREAS, Plaintiffs desire to focus this litigation on their claims alleging violations of
15 the California Fair Employment and Housing Act and common law torts;

16 WHEREAS, Plaintiffs thus requested this Court dismiss their individual wage-and-hour
17 causes of action (ROA No. 42, COA Nos. 12–15) with prejudice on December 7, 2023;

18 WHEREAS, Plaintiffs request that this Court also dismiss their respective PAGA
19 representative claims without prejudice;

20 WHEREAS, no consideration is being provided to Plaintiffs for the dismissal of the PAGA
21 claims in this Action;

22 WHEREAS, Plaintiff notified California’s Labor Workforce and Development Agency
23 that Plaintiffs have (1) requested this Court dismiss their PAGA claims without prejudice, and (2)
24 relinquished their status as California’s authorized representative for LWDA Case Number
25 LWDA-CM-823324-21 (Plaintiff Ang) and LWDA Case Number LWDA-CM-834699-21
26 (Plaintiff Hollman);
27
28

1 WHEREAS, the dismissal of the PAGA claims in this Action will thus not prejudice the
2 rights and remedies of the State of California;

3 WHEREAS, no aggrieved employees have been provided any notice regarding the
4 pendency of this Action, and there has been no publication or other press coverage of the claims at
5 issue in this Action;

6 WHEREAS, the dismissal of the PAGA claims in this Action will thus not prejudice the
7 rights and remedies of any aggrieved employees as no notice been provided to them.

8
9 NOW, THEREFORE, Plaintiffs hereby request that:

- 10 1. Plaintiff Danilo Ang's PAGA claim (ROA No. 42, COA No. 16) be dismissed
11 without prejudice; *and*
12 2. Plaintiff Rebecca Hollman's PAGA claim (ROA No. 42, COA No. 17) be
13 dismissed without prejudice.

14 DATED: December 7, 2023

MOUTON LAW
STACEY Y. MOUTON

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17 By: /s/ Stacey Y. Mouton

18 STACEY MOUTON
19 2150 Comstock #710754
20 San Diego, California 92111
Telephone: (760) 927-0647

21 Attorney for Plaintiffs
22 DANILO ANG and REBECCA HOLLMAN
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1. I am Partner at Mouton Law, which is counsel of record for Plaintiffs Danilo Ang and Rebecca Hollman. I am admitted to practice law in the state of California. I make this declaration in support of the above Request to Dismiss Action. The facts set forth herein are of my own personal knowledge, or based upon my review of the case file, and if sworn I could and would competently testify thereto.

3. After evaluating their case, Plaintiffs have chosen to focus on their California Fair Employment and Housing Act and common law tort claims. They thus asked this Court to dismiss their individual wage-and-hour causes of action (ROA No. 42, COA Nos. 12–15) with prejudice on December 7, 2023. And they are hereby asking this Court to dismiss their respective representative PAGA claims without prejudice (*id.*, COA Nos. 16–17). No consideration is being provided to Plaintiffs for the dismissal of their respective PAGA claims.

5. On December 7, 2023, Plaintiff Ang notified California's Labor Workforce and Development Agency that he has (1) requested this Court dismiss his PAGA claim without

1 prejudice, and (2) relinquished his status as California's authorized representative for LWDA Case
2 Number LWDA-CM-823324-21.

3 6. On December 7, 2023, Plaintiff Hollman notified California's Labor Workforce and
4 Development Agency that she has (1) requested this Court dismiss her PAGA claim without
5 prejudice, and (2) relinquished her status as California's authorized representative for LWDA Case
6 Number LWDA-CM-834699-21.

7 7. Plaintiffs request that the Court enter a dismissal of their respective PAGA claims
8 within this Action without prejudice.

9
10 I declare under penalty of perjury under the laws of California, that the foregoing is true
11 and correct, and that this declaration was executed on this 7th day of December, 2023, at San
12 Diego, California.

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14 By: /s/ Stacey Y. Mouton

15 Stacey Y. Mouton
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1. Upon entry of this Order, Plaintiff Danilo Ang's representative claim under California's Private Attorneys General Act shall be dismissed in its entirety and **without prejudice**;
2. Upon entry of this Order, Plaintiff Rebecca Hollman's representative claim under California's Private Attorneys General Act shall be dismissed in its entirety and **without prejudice**;
3. All Parties shall bear their own costs and attorneys' fees as to these claims.

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James A. Mangione

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On December 7, 2023, I served the foregoing document(s) described as:

- on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

- 6 -

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed on December 7, 2023, at San Diego, California.

3 /s/ Stacey Y. Mouton

4 Stacey Y. Mouton