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Attorneys for Plaintiff Keenan Patton, on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

KEENAN PATTON, on behalf of himself and
all “aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

MYERS ELECTRIC COMPANY INC., a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: 34-2021-00303083

*Assigned to the Hon. Lauri A. Damrell
Dept 22*

**DECLARATION OF EVAN S. GAINES IN
SUPPORT OF STIPULATION RE:
DISMISSING CLASS AND
REPRESENTATIVE PRIVATE
ATTORNEYS GENERAL ACT ACTION**

Complaint Filed: June 24, 2021

DECLARATION OF EVAN S. GAINES

I, EVAN S. GAINES, hereby declare and state as follows:

1. I am an attorney duly admitted to the practice of law in the State of California. I am the principal at Gaines Law Corporation, counsel for Plaintiff Keenan Patton (“Plaintiff”) in this action. I have personal knowledge of the facts set forth herein and if called to testify to them, I could and would do so competently.

2. On June 24, 2021, Plaintiff, on behalf of himself and all aggrieved employees, filed a representative action complaint pursuant to the Labor Code Private Attorneys General Act of 2004 (“PAGA”), Labor Code § 2698 et seq., against Defendants MYERS ELECTRIC COMPANY INC. (“Defendant”) seeking civil penalties for violations of the California Labor Code.

3. On May 5, 2023, Plaintiff amended his complaint to include standalone class action allegations premised on the alleged PAGA claims. The First Amended Complaint is the operative complaint in this Action.

4. After a review of Defendant’s financial condition after considering Defendant’s contention that it is suffering **severe** financial difficulties that could greatly hinder their ability to pay any class settlement or let alone further defend this Action, Plaintiff and his counsel have concluded that it is in all Parties’ best interest to resolve Plaintiff’s individual claims only.

5. The Parties have negotiated a settlement of Plaintiff’s individual claims only, and the class and PAGA claims will be dismissed *without* prejudice.

6. The settlement between Plaintiff and Defendants does not contemplate the waiver of any claims by anyone other than Plaintiff and does not provide for the waiver of class and PAGA claims asserted on behalf of any employee or the state, such that there is no allocation of civil penalties in the Settlement.

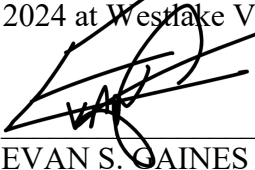
7. Concurrent to the filing of this Stipulation, the Parties have submitted the Settlement Agreement to the LWDA in compliance with Labor Code section 2699(l)(2).

8. No notice is required to be given to the putative class because, although a Belaire West Notice of the pending Action was mailed to Aggrieved Employees and Class Members in 2023 and 2024, there is no other pending action, of which the Parties are aware, brought by a member of the

1 putative class or including an overlapping putative class; and no class has been certified.
2 Consequently, no absent putative class member will suffer prejudice as a result of this dismissal, and
3 no notice is required pursuant to California Rules of Court, Rule 3.770(c).

4 9. Plaintiff, therefore, requests that the Court enter a dismissal of this action *with*
5 *prejudice* as to Plaintiff's individual claims and dismissal *without prejudice* of the class and
6 representative PAGA action claims, pursuant to the stipulation submitted concurrently herewith.

7 I declare, under penalty of perjury, under the laws of the State of California, that the foregoing
8 is true and correct. Executed on August 14, 2024 at Westlake Village, California.

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12 EVAN S. GAINES
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1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of VENTURA, State of California. I am over the age of 18 and not a party to the
3 within action; my business address is 4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On August 14, 2024, I served the foregoing document described as **DECLARATION OF EVAN S. GAINES**
6 **IN SUPPORT OF STIPULATION RE: DISMISSING CLASS AND REPRESENTATIVE PRIVATE**
7 **ATTORNEYS GENERAL ACT ACTION** on the interested parties in this action by placing a true copy thereof enclosed
8 in sealed envelopes addressed as follows:

9 **Matthew J. Kraus, Esq.**
10 **Nickolaus E. Buchholz, Esq.**
11 **LESTER, CANTRELL & KRAUS, LLP**
12 **1770 Iowa Avenue, Suite 110**
13 **Riverside, CA 92507**
14 **mkraus@lc-lawyers.com**
15 **nbuchholz@lc-lawyers.com**
16 **cc: jyates@lc-lawyers.com**

17 **Joseph Tojarieh, Esq.**
18 **STONEBROOK LAW**
19 **10250 Constellation Blvd., Suite 100**
20 **Los Angeles, CA 90067**
21 **jft@stonebrooklaw.com**
22 **Attorneys for Plaintiff Keenan Patton**
23 **(Served via email only)**

24 **Daniel F. Gaines, Esq.**
25 **GAINES & GAINES, APLC**
26 **4550 East Thousand Oaks Blvd., Suite 100**
27 **Westlake Village, CA 91362**

28 _____ (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
meter date is more that one day after date of deposit for mailing in affidavit.

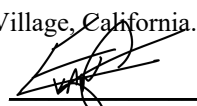
_____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
other facility regularly maintained by the express service carrier or delivered the sealed envelope to an
authorized carrier or driver authorized by the express carrier to receive documents.

___X___ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission via email on the counsel of record listed above.

I certify that the above document was printed on recycled paper.

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

Executed on August 14, 2024, at Westlake Village, California.

27 
28 _____
EVAN S. GAINES, ESQ.