

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
2 ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
3 SEPIDEH ARDESTANI, ESQ. SBN 274259
sepideh@gaineslawfirm.com
4 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
5 **GAINES & GAINES, APLC**
27200 Agoura Rd., Suite 101
6 Calabasas, CA 91301
Telephone: (818) 703-8985
7 Facsimile: (818) 703-8984

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
08/27/2021 at 10:51:00 AM
Clerk of the Superior Court
By Nicole Adams, Deputy Clerk

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

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN DIEGO**

12 RANDY GARCIA, on behalf of himself and
13 all “aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 LETTER RIDE, LLC, a California limited
17 liability company, and DOES 1 through 10,
18 inclusive,

19 Defendants.

CASE NO: 37-2021-00025100-CU-OE-CTL

*Assigned to for all Purposes to the Honorable
Eddie C. Sturgeon, Dept. C-67*

**STIPULATION AND ~~[PROPOSED]~~
ORDER APPROVING SETTLEMENT OF
CLAIMS AND DISMISSING ACTION**

[CRC 3.769, Labor Code § 2698 *et seq.*]

[Filed Concurrently with Declaration of Alex
P. Katofsky]

Complaint Filed: June 8, 2021

20
21
22 **STIPULATION**

23 WHEREAS, on June 8, 2021, Plaintiff Randy Garcia, on behalf of himself and all “aggrieved
24 employees” pursuant to Labor Code § 2698 *et seq.* (“Plaintiff”), filed a representative action
25 complaint against Defendant Letter Ride, LLC (“Defendant”), seeking penalties pursuant to Labor
26 Code § 2699(f) for Violations Of Labor Code §§ 201, 202, 204, 226(a), 226.7, 510, 512, 1194, and
27 2802 and pursuant to Labor Code § 2699(a) for violations of Labor Code § 210, 226.3 and 558 (the
28 “Action”) (Declaration of Alex P. Katofsky [“Katofsky Decl.”], ¶ 2);

1 WHEREAS, after a review of Defendant's financial condition, Plaintiff and his counsel in this
2 matter have determined that Defendant does not have the financial ability to defend and pay for a
3 PAGA-wide settlement. Furthermore, liability is disputed. This determination is based on
4 information provided by Defendant in this matter. (Katofsky Decl., ¶ 3);

5 WHEREAS, the Parties have negotiated a settlement of Plaintiff's individual claims only, and
6 the PAGA claims will be dismissed without prejudice. (Katofsky Decl., ¶ 4; Exhibit A to the Katofsky
7 Decl.);

8 WHEREAS, the settlement between Plaintiff and Defendant does not contemplate the waiver
9 of any claims by anyone other than Plaintiff and does not provide for the waiver of PAGA claims
10 asserted on behalf of any employee or the state, such that there is no allocation of civil penalties in
11 the Settlement (Katofsky Decl. ¶ 5);

12 WHEREAS, concurrent to the filing of this Stipulation, the Parties have submitted the
13 Settlement Agreement to the LWDA in compliance with Labor Code section 2699(1)(2) (Katofsky
14 Decl. ¶ 6); and

15 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties hereto and
16 through their respective attorneys of record that Plaintiff's individual claims shall be dismissed with
17 prejudice, and the claims of all "allegedly aggrieved employees" (except Plaintiff) shall be dismissed
18 without prejudice.

19 **IT IS SO STIPULATED.**

20 Dated: August 25, 2021

21 For Plaintiff:

22 GAINES & GAINES, APLC

23
24
25 By:

26 Alex P. Katofsky, Esq.

For Defendant:

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

27
28 By:

J. Rod Betts, Esq.

1
2 **ORDER**

3 The Court, having reviewed the Parties' stipulation and any and all supporting papers, hereby
4 ORDERS that:

- 5 1. The settlement of Plaintiff's individual claims is APPROVED;
6 2. The action is hereby DISMISSED WITH PREJUDICE as to Randy Garcia's
7 individual claims, and DISMISSED WITHOUT PREJUDICE as to claims under PAGA asserted on
8 behalf of all allegedly aggrieved employees; and
9 3. The Court shall retain jurisdiction under Code of Civil Procedure Section 664.6 with
10 respect to all matters related to the consummation of the settlement.

11 **IT IS SO ORDERED.**

12
13 Dated: 8/31/2021
14



15 JUDGE OF THE SUPERIOR COURT

16 Judge Eddie C Sturgeon
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 I am employed in the County of LOS ANGELES, State of California. I am over the age of 18 and not a party
3 to the within action; my business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301

4 _____ (For messenger) my business address is:

5 On August 27, 2021, I served the foregoing document described as **STIPULATION AND [PROPOSED]**
6 **ORDER APPROVING SETTLEMENT OF CLAIMS AND DISMISSING ACTION** on the interested parties in this
7 action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **J Rod Betts**
9 **PAUL, PLEVIN SULLIVAN & CONNAUGHTON LLP**
10 **101 West Broadway, Ninth Floor**
11 **San Diego, CA 92101**

12 **Attorneys for Defendant,**
13 **Letter Ride, LLC**

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

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

23 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Calabasas, California, I served
24 the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule
25 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was
26 (818)703-8984 and the telephone number(s) of the receiving facsimile machine was () ____-____. A
27 transmission report was properly issued by the sending facsimile machine, and the transmission was
28 reported as complete and without error. Copies of the facsimile transmission cover sheet and the
transmission report are attached to this proof of service.

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

22 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described document to be delivered to the
23 Labor & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov) in
24 accordance with the procedure imposed by the LWDA.

25 I declare under penalty of perjury that the foregoing is true and correct.
26 Executed on August 27, 2021, at Calabasas, California.

27 
28 JEREMY REYES