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Attorneys for Plaintiff,
HERBERT SANCHEZ PEREZ

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

HERBERT SANCHEZ PEREZ, an individual,
Plaintiff,

v.

SAFE AND RELIABLE MED TRANS., a
California corporation; ROWENA OROLFO
ROSETE, an individual; JONAS DEL RIO
ROSETE, an individual; and DOES 1 through
20, inclusive,

Defendants.

Case No.: 30-2022-01267498-CU-WT-CXC

*[Assigned for all purposes to the Honorable Judge
Randall J. Sherman, Dept. CX-105]*

**NOTICE OF SETTLEMENT; REQUEST FOR
DISMISSAL OF PLAINTIFF'S
REPRESENTATIVE PAGA CAUSE OF
ACTION WITHOUT PREJUDICE AND
PLAINTIFF'S INDIVIDUAL PAGA CLAIM
WITH PREJUDICE; ORDER**

Action Filed: June 28, 2022
Trial Date: September 30, 2024

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:**

1. This entire case has been settled. The settlement requires the dismissal of Plaintiff's representative Private Attorney General Act ("PAGA") claim and request for dismissal of Plaintiff's individual PAGA claim. A request for dismissal with prejudice of Plaintiff's individual claims will be filed after the approval of Plaintiff's request to dismiss without prejudice his representative PAGA cause of action.

2. Plaintiff's initial pleading was filed on June 28, 2022.

3. The Parties are scheduled to appear before the Honorable Judge Randall J. Sherman for a Pretrial Conference on September 20, 2024, at 1:30 p.m. in Department CX105.

1 4. The Trial date is currently scheduled for September 30, 2024.

2 Plaintiff HERBERT RAMIRO SANCHEZ PEREZ (“Plaintiff”), on behalf of himself, and the
3 State of California Labor & Workforce Development Agency (“LWDA”), through his attorneys of
4 record, GUERRA & CASILLAS LLP, hereby reports and requests as follows:

5 WHEREAS, the Parties are pleased to report that this matter has been settled.

6 WHEREAS, the Parties’ agreement, however, is conditional on the dismissal of Plaintiff’s
7 representative PAGA cause of action without prejudice and a dismissal with prejudice of Plaintiff’s
8 individual PAGA claim.

9 WHEREAS, Plaintiff provided the LWDA with notice of his intent to assert a PAGA claim
10 and the basis for that claim in accordance with Labor Code section 2699.3 on August 30, 2021.
11 Plaintiff filed his Complaint on June 28, 2022, after not receiving a response from the LWDA;

12 WHEREAS, upon receipt of the settlement payment, Plaintiff will file a request for dismissal
13 with prejudice for Plaintiff’s individual claims and individual PAGA claim.

14 WHEREAS, Plaintiff brought this Action against Defendant alleging the following causes of
15 action: (1) Retaliation (LAB. CODE §98.6); (2) Retaliation (LAB. CODE §§1102.5, 1102.6, 6310);
16 (3) Wrongful Constructive Termination in Violation of Public Policy, (4) Failure to Pay Wages (CAL.
17 LABOR CODE §§201, 226.7, 510, 1194, 1197);, (5) Failure to Pay Minimum Wages (CAL. LABOR
18 CODE §§1182.12, 1194, 1194.2, 1197); (6) Failure to Pay Overtime Compensation (CAL. LABOR
19 CODE §§510, 1194); (7) Failure to Provide Meal and Rest Period (CAL. LABOR CODE §§226.7,
20 512);, (8) Failure to Provide Itemized Wage and Hour Statements (CAL. LABOR CODE §§226,
21 226.3, 1174 ET SEQ.); (9) Waiting Time Penalties (CAL. LABOR CODE §§201-203); (10) Private
22 Attorney General Act (11) Unfair Competition (BUS. & PROF. CODE §17200 ET SEQ.). (12)
23 Failure to Indemnify for Necessary Business Expenses (CAL. LABOR CODE §2802); (13) Failure to
24 Permit Inspection of Personnel and Payroll Records (CAL. LABOR CODE §§226, 1198.5).

25 WHEREAS, Defendant’s alleged violations under the California Labor Code, and the
26 derivative claims, serve as the basis for Plaintiff’s PAGA cause of action;

27 WHEREAS, Defendant denies that there is any factual or legal basis for the claims in this
28 Action;

1 WHEREAS, in order to avoid the expense, uncertainty, and inconvenience of further
2 proceedings, the Parties reached a settlement of Plaintiff's claims against Defendant, which underlying
3 negotiations were focused completely on Plaintiff's individual claims and individual PAGA claim, but
4 not the representative PAGA claim;

5 WHEREAS, the Parties entered into a confidential settlement and general release on
6 September 3, 2024;

7 WHEREAS, the settlement between the Parties is not a "PAGA settlement" requiring court
8 approval under Labor Code section 2699(1)(2) because the Parties did not seek to release any PAGA
9 claims on a representative basis;

10 WHEREAS, Plaintiff is limited to facts within his own knowledge, and Plaintiff did not
11 receive any PAGA discovery from Defendant and will not be able to identify other aggrieved
12 employees;

13 WHEREAS, Plaintiff has not sought the express consent of other aggrieved employees to
14 pursue this lawsuit on their behalf;

15 WHEREAS, Plaintiff is not required to give other aggrieved employees the opportunity to opt-
16 out of Plaintiff's representation in this matter;

17 WHEREAS, a claim under the California Labor Code Private Attorney General Act of 2004
18 ("PAGA"), California Labor Code §§2699 et seq. was part of the Complaint;

19 WHEREAS, the rights of other aggrieved employees will not be prejudiced, as the Parties only
20 seek dismissal without prejudice of the PAGA claim of the other allegedly aggrieved employees. No
21 consideration has been or will be provided for the dismissal without prejudice of Plaintiff's
22 representative PAGA claim with respect to these other allegedly aggrieved employees, and the Parties
23 did not seek or enter into a release of a representative PAGA claim on behalf of any allegedly
24 aggrieved employees. Thus, Dismissal of this representative action does not affect the rights or
25 abilities of any other allegedly aggrieved employees to bring subsequent individual actions, class
26 actions, or representative PAGA actions because this action is to be dismissed without prejudice as to
27 the representative PAGA claim for any other allegedly aggrieved employees;

28 WHEREAS, this stipulation to dismiss the representative PAGA claim without prejudice shall
be served to the California Labor Workforce ("LWDA") after Court approval;

1 WHEREAS, any other allegedly aggrieved employees will not be prejudiced without notice of
2 the settlement or the requested dismissal. Discovery as to the identities of other aggrieved employees
3 was not completed based on the Parties desire to resolve the case after protracted discussion,
4 investigation, and negotiation, nor has notice of this action been provided to other aggrieved
5 employees. Thus, the Parties are not aware of any other allegedly aggrieved employees who have any
6 expectations of recovery of any kind in this case, and to the extent any of them wish, in the future, to
7 pursue their own claims, they have the right to do that; and

8 WHEREAS, Plaintiff wishes to dismiss his representative PAGA cause of action without
9 prejudice.

10 **NOW, THEREFORE**, Plaintiff requests that:

11 1. The Court dismiss Plaintiff's tenth representative cause of action under the Private Attorney
12 General Act of 2004 ("PAGA"), Labor Code §§2699 et seq., without prejudice and dismiss Plaintiff's
13 tenth individual cause of action under the PAGA, Labor Code §§2699 et seq., with prejudice.

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17 DATED: September 18, 2024

GUERRA & CASILLAS LLP

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19 By:

20 Tizoc Perez-Casillas, Esq.
21 Guile Gomez, Esq.
22 Ruben Guerra, Esq.
23 Attorneys for Plaintiff
24 HERBERT RAMIRO SANCHEZ PEREZ
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1 **[PROPOSED] ORDER**

2 The Court, having considered Plaintiff's Request for Dismissal of Plaintiff's Representative
3 Private Attorneys General Act cause of action without prejudice, and good cause appearing therefor,

4 **IT IS HEREBY ORDERED** that

5 1. Plaintiff's Tenth representative cause of action under the California Labor Code, Private
6 Attorney General Act, Labor Code §§ 2699, et seq., is dismissed without prejudice;

7 2. Plaintiff's Tenth individual cause of action under the California Labor Code, Private
8 Attorney General Act, Labor Code §§ 2699, et seq., is dismissed with prejudice; and

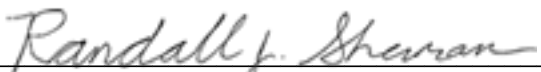
9 3. Plaintiff shall submit a copy of this Court Order to the Labor and Workforce
10 Development Agency within 10 days after entry of this order;

11 4. An Order to Show Cause RE: Dismissal on settled case is scheduled for hearing on
12 January 3, 2025 at 9:00 a.m.; and

13 5. The Trial and Pre-Trial Conference are vacated.

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15 **IT IS SO ORDERED.**

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17 DATED: **September 18, 2024**

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19 HON. JUDGE RANDALL J. SHERMAN
20 JUDGE OF SUPERIOR COURT
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