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Attorneys for Plaintiff Matthew Grimshaw, 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**

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

Plaintiff,

v.

MEDIC AMBULANCE SERVICE, INC., a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO. 34-2022-00313600

*Assigned to the Hon. Thadd A. Blizzard, Dept.
43*

**DECLARATION OF DANIEL F. GAINES
IN SUPPORT OF REQUEST FOR
DISMISSAL OF REPRESENTATIVE
ACTION**

[Filed Concurrently: Request for Dismissal]

Complaint Filed: January 6, 2022

1 I, Daniel F. Gaines, declare as follows:

2 1. I am an attorney duly admitted to practice law in the State of California and I am the
3 managing shareholder of Gaines & Gaines, APLC, counsel of record for Plaintiff MATTHEW
4 GRIMSHAW ("Plaintiff") in this matter. The matters set forth herein are of my own personal
5 knowledge, and if sworn as a witness, I could and would testify competently thereto.

6 2. On January 6, 2022, Plaintiff filed the instant Action seeking damages on a
7 representative basis, on behalf of himself and all "aggrieved employees," for Defendant MEDIC
8 AMBULANCE SERVICE, INC.'s ("Defendant") violations of California Labor Code and the Private
9 Attorneys' General Act of 2004 ("PAGA"), codified as § 2698, *et seq.*, by allegedly failing to pay all
10 wages due by failing to provide meal and rest periods, or compensation in lieu thereof, issue complete
11 and accurate wage statements, and pay all wages due at separation of employment. The alleged
12 violations occurred when Plaintiff worked for Defendant in Sacramento County, California.

13 3. Following extensive conversations with Defense Counsel, my office has ascertained
14 that Plaintiff's claims are quite individualized. Furthermore, liability is disputed. This determination
15 is based on information provided by Defendant in this matter.

16 4. Defendant has agreed to pay Plaintiff in exchange for a for a full general release of all
17 claims, including attorney's fees and costs, as set forth in a Confidential Settlement Agreement and
18 General Release of all Claims.¹

19 5. The settlement does not contemplate the waiver of any claims by anyone other than
20 Plaintiff and does not provide for the waiver of PAGA claims asserted on behalf of any employee or
21 the State, such that there is no allocation of civil penalties in the Settlement.

22 6. No notice is required to be given to the aggrieved employees because no notice of the
23 pending Action was ever given; there has been no publicity of which the Parties are aware; neither
24 Plaintiff nor my office have communicated with any absent aggrieved employees about the Action;
25 there is no other pending action, of which the Parties are aware, brought by any aggrieved employee;
26

27
28 ¹ Plaintiff's Counsel is prepared to communicate with the Court *in camera* regarding all facts relating
to the confidential settlement, should the Court request further information.

1 and the aggrieved employees are not reasonably ascertainable at the present time; consequently, no
2 absent aggrieved employee will suffer prejudice as a result of this dismissal.

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

6 8. Concurrent with the filing of this Request for Dismissal, the Parties have submitted
7 the Settlement Agreement to the LWDA in compliance with Labor Code section 2699(1)(2).

8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct and was executed on December 12, 2022, at Westlake Village, California.

10
11 
12 _____
DANIEL F. GAINES

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 Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On December 12, 2022, I served the foregoing document described as **DECLARATION OF DANIEL F.**
6 **GAINES IN SUPPORT OF REQUEST FOR DISMISSAL OF REPRESENTATIVE ACTION** on the interested
7 parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **Corey J. Cabral, Esq.**
9 **Sander van der Heide, Esq.**
10 **CDF LABOR LAW LLP**
11 **900 University Avenue, Suite 200**
12 **Sacramento, CA 95825**

13 ☒

14 (BY ☒ 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 Westlake Village, California, I
24 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant
25 to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine
26 was (818)703-8984 and the telephone number(s) of the receiving facsimile machine was (____) ____ - ____.
27 A 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 PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

_____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

21 ☒

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

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

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

27 Executed on December 12, 2022, at Westlake Village, California.

28 Amelia Booth
AMELIA BOOTH