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SYSCO LOS ANGELES, INC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DAVID GONZALEZ, an individual,

Plaintiff,

v.

SYSCO LOS ANGELES, INC., a Delaware
corporation; and DOES 1 through 20, inclusive,

Defendants.

Case No.: 22STCV03775

Assigned to Honorable Judge Carolyn B.
Kuhl, Dept 12

**JOINT STIPULATION TO DISMISS
PAGA CLAIM AND [PROPOSED]
ORDER THEREON**

Action Filed: January 31, 2022
Trial Date:

FILED
Superior Court of California
County of Los Angeles
04/25/2025
David W. Slayton, Executive Officer / Clerk of Court
By: L. McGreene Deputy

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TO THE HONORABLE COURT:

Plaintiff DAVID GONZALEZ (“Plaintiff”) and Defendants SYSCO LOS ANGELES, INC. (“Defendant/s”) (collectively, the “Parties”), by and through their counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff provided the California Labor and Workforce Development Agency (“LWDA”) with notice of his intent to assert a Private Attorneys General Act (“PAGA”) claim and the basis for that claim in accordance with Labor Code section 2699.3 on November 24, 2021;

WHEREAS, after not receiving a response from the LWDA, Plaintiff filed his Complaint on January 31, 2022 against Defendants alleging the following causes of action: 1) Discrimination in Violation of Government Code §§12940 et seq.; (2) Retaliation in Violation of Government Code §§12940 et seq.; (3) Failure to Prevent Discrimination and Retaliation; (4) Failure to Provide Reasonable Accommodations.; (5) Failure to Engage in a Good Faith Interactive Process; (6) For Declaratory Judgment; (7) Retaliation in violation of Labor Code Section 98.6; (8) Violation of Labor Code Section 1102.5; (9) Declaratory Relief; (10) Wrongful Termination in Violation of Public Policy; (11) Failure to Pay Wages; (12): Failure to Pay Minimum Wages; (13) Failure to Provide Meal and Rest Periods; (14) Failure to Provide Itemized Wage and Hour Statements; (15) Waiting Time Penalties; (16) Private Attorney General Action (PAGA); (17) Unfair Competition;

WHEREAS, on August 8, 2022 Plaintiff filed a First Amended Complaint;

WHEREAS, on April 15, 2024, Plaintiff filed a Second Amended Complaint alleging class claims;

WHEREAS, on or about August 1, 2024, Plaintiff’s Sergio Ramirez and Gabriel Artega’s motion to intervene in Plaintiff’s PAGA and class claims was granted by the Court. As a result, the Court ruled that Plaintiff’s second amended complaint was improperly filed and Plaintiff withdrew it.

WHEREAS, the Parties reached a settlement of Plaintiff’s individual claims against Defendants, and entered into a confidential settlement and general release as to the Plaintiff’s individual claims only;

WHEREAS, the settlement between the Parties is not a “PAGA settlement” requiring court

1 approval under Labor Code § 2699(l)(2) because the Parties did not seek to release any claims on a
2 representative basis;

3 WHEREAS, the Parties were unable to resolve Plaintiff's PAGA claims.

4 WHEREAS, Plaintiff no longer wishes to pursue the PAGA cause of action.

5 WHEREAS, Plaintiff has not sought the express consent of other aggrieved employees to
6 pursue this lawsuit on their behalf.

7 WHEREAS, Plaintiff has not given other aggrieved employees the opportunity to opt-out of
8 Plaintiff's representation in this matter.

9 WHEREAS, this stipulation to dismiss the PAGA claims without prejudice shall be served
10 to the California Labor Workforce ("LWDA") at the same time that it is submitted to this Court.

11 WHEREAS, this Court may determine that the rights of other aggrieved employees will not
12 be prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff
13 prosecutes the action on behalf of the putative class members, Plaintiffs here did *not* prosecute the
14 action on behalf of the similarly-aggrieved employees. In PAGA claims, the plaintiff employee
15 prosecutes on behalf of the Labor Commission; the similarly-aggrieved employees have no private
16 right of action in those penalties and no entitlement to them. *Rope v. Auto-Chlor System of*
17 *Washington, Inc.* (2013) 220 Cal.App.4th 635, 650 ["In PAGA, the Legislature created an
18 enforcement mechanism for aggrieved employees to file representative actions to recover penalties
19 in cases in which there is no private cause of action as an alternative to enforcement by the Labor
20 Commissioner"]; *Arias v. Superior Court* (2009) 46 Cal.4th 969, 980–987, 95 Cal.Rptr.3d 588, 209
21 P.3d 923 [PAGA suit is a representative action and need not be brought as a class action]. *Second*,
22 there has been no discovery as to the identities of other aggrieved employees, nor has notice of this
23 action been provided to other aggrieved employees. Also, in the related *Sergio Ramirez v. Sysco Los*
24 *Angeles, Inc., et al.*, case no. 23STCV06356, the plaintiffs Sergio Ramirez and Gabriel Artega assert
25 a PAGA cause of action where the period overlaps with this case. Thus, the Parties are not aware
26 of any other aggrieved employees who have any expectations of recovery of any kind in this case,
27 and to the extent any of them wish, in the future, to pursue their own claims, they have the right to
28 do that.

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

NOW, THEREFORE, the Parties stipulate and jointly request that:

The Court dismiss Plaintiff's 16th cause of action under the Private Attorney General Act of 2004 ("PAGA"), Labor Code §2699 et seq., without prejudice.

IT IS SO STIPULATED between the Parties.

DATED: 04/22/2025

DOWNTOWN L.A.LAW GROUP



By: _____
Liliuokalani H. Martin, Esq.
Attorneys for Plaintiff
DAVID GONZALEZ

DATED: 4/22/2025

JACKSON LEWIS P.C

By: /s/ Semarnpreet Kaur _____
James P. Carter, Esq.
Leo P. Norton, Esq.
Semarnpreet Kaur, Esq.
Attorney for Defendant,
SYSCO LOS ANGELES, INC

[PROPOSED] ORDER

The Court, having considered the Parties' Joint Stipulation, and all legal authorities in support thereof, and good cause appearing therefore,

IT IS HEREBY ORDERED that

1. Plaintiff's 16th cause of action under the California Labor Code, Private Attorney General Act, Labor Code § 2699, et seq., is dismissed without prejudice; and

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

IT IS SO ORDERED.



A handwritten signature in black ink that reads "Carolyn B. Kuhl".

Carolyn B. Kuhl / Judge

Date: 04/25/2025

Judge of the Superior Court

PROOF OF SERVICE

Case Number: 22STCV03775

DAVID GONZALEZ, AN INDIVIDUAL VS SYSCO LOS ANGELES, INC., A DELAWARE CORPORATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 612 S. Broadway, Los Angeles, CA 90014

On April 22, 2025, I served the foregoing document described as: **JOINT STIPULATION TO DISMISS PAGA CLAIM AND [PROPOSED] ORDER THEREON** on the interested parties in this action as follows:

Semarnpreet Kaur (SBN 328518)
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Norton, Leo P. (Orange County)
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Attorneys for Defendant, SYSCO LOS ANGELES INC.

☒ BY ELECTRONIC MAIL: I caused said document(s) to be transmitted to the email address(es) of the addressee(s) designated pursuant to CCP § 1010.6. I served true and correct copies of the above-listed documents via electronic mail to each email address listed above, and served the documents from my electronic service address, which is gabriela@downtowlalaw.com

☒ BY ELECTRONIC SERVICE: Pursuant to SB 836, I electronically filed a copy of the document with California Labor & Workforce Development Agency Only.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 22, 2025, at Los Angeles, California.

Gabriela Diaz

Gabriela Diaz