

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 JESUS GAMBOA-ACOSTA, on  
12 behalf of himself and others  
13 similarly situated,  
14  
15  
16  
17 Plaintiff,

Case No.: 22-cv-0818-LAB-WVG

**ORDER OF DISMISSAL**

v.

15 PVH RETAIL STORES, LLC; and  
16 DOES 1 to 100, inclusive,  
17 Defendants.

18 On November 18, 2022, Plaintiff Jesus Gamboa-Acosta and Defendant  
19 PVH Retail Stores LLC filed a joint motion to dismiss the entire action. (Dkt. 17).  
20 The parties represent they have reached a settlement of this class and  
21 representative action and seek approval of the settlement agreement and  
22 dismissal of the action. Having considered the joint motion, the Court **GRANTS**  
23 the joint motion, **APPROVES** the settlement, and **ORDERS** as follows:

24 1. The Court finds the settlement of Gamboa-Acosta's California Labor  
25 Code Private Attorneys General Act ("PAGA") claims was entered into in good  
26 faith; that it is reasonable, fair, and adequate; and that it satisfies the standards  
27 and applicable requirements for approval of the dismissal or settlement of  
28 representative actions brought pursuant to PAGA. Cal. Lab. Code § 2698, *et seq.*

1 The Court further finds that the parties have had an opportunity to evaluate their  
2 respective positions and reach a resolution. The Court finds that the settlement  
3 will avoid the costs, delay, and risk associated with continuing litigation.

4 2. The Court finds that no notice is required to be given to the putative  
5 aggrieved employees on whose behalf Gamboa-Acosta asserts a PAGA claim,  
6 nor to the putative class members on whose behalf Gamboa-Acosta asserts class  
7 claims. See Fed. R. Civ. P. 23(e) committee's note to 2003 amendment (clarifying  
8 that "notice is not required when the settlement binds only the individual class  
9 representatives").

10 3. The individual claims in Causes of Action Nos. 1–5 are **DISMISSED**  
11 **WITH PREJUDICE**.

12 4. The putative class allegations in Causes of Action Nos. 1–5 are  
13 **DISMISSED WITHOUT PREJUDICE**.

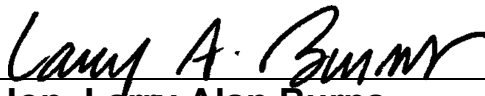
14 5. The individual claims for penalties under PAGA, Cause of Action  
15 No. 6, are **DISMISSED WITH PREJUDICE**.

16 6. The Complaint's claims for penalties under PAGA, Cause of Action  
17 No. 6, are **DISMISSED WITHOUT PREJUDICE** as to California's Labor and  
18 Workforce Development Agency and other potentially aggrieved employees.

19 7. Upon entry of this Order, the parties shall effectuate all terms of the  
20 settlement based on the provisions and timelines set forth therein.

21 **IT IS SO ORDERED.**

22 Dated: November 29, 2022

23   
24 Hon. Larry Alan Burns  
25 United States District Judge  
26  
27  
28