

Alex Asil Mashiri, Esq. (SBN 283798)
alex@mashirilawfirm.com
MASHIRI LAW FIRM, APC
11251 Rancho Carmel Drive #500694
San Diego, CA 92150
Telephone: (858) 348-4938
Facsimile: (858) 348-4939

Tamim Jami, Esq. (SBN 311351)
tamim@jamilaw.com
THE JAMI LAW FIRM P.C.
3525 Del Mar Heights Rd #941
San Diego, CA 92130
Tel: (858) 284-0248
Fax: (858) 284-0977

Attorneys for Plaintiffs
ELSA GARCIA
MARLON AYALA

MORGAN, LEWIS & BOCKIUS LLP
Daryl S. Landy, Bar No. 136288
Alexander L. Grodan, Bar No. 261374
600 Anton Boulevard, Suite 1800
Costa Mesa, CA 92626-7653
Tel: +1.714.830.0600
Fax: +1.714.830.0700
daryl.landy@morganlewis.com
alexander.grodan@morganlewis.com

Attorneys for Defendant
CITIBANK, N.A.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

ELSA GARCIA, an individual, MARLON
AYALA, an individual, both for the real
party in interest, the State of California,

Plaintiffs,

vs.

CITIBANK, NA; and DOES 1 through 50,

Defendants.

Case No. 37-2022-00005196-CU-OE-CTL

Hon. Blaine Bowman
Dept. C-74

**ADDENDUM TO LABOR CODE
PRIVATE ATTORNEYS GENERAL
ACT SETTLEMENT AGREEMENT
AND RELEASE**

1 This Addendum to Labor Code Private Attorneys General Act ("PAGA") Settlement
2 Agreement and Release is made by and between Plaintiffs Elsa Garcia and Marlon Ayala
3 ("Plaintiffs"), on behalf of themselves and as the authorized proxies and agents for the State of
4 California, and Defendant Citibank, N.A. ("Citibank" or "Defendant") (collectively, the
5 "Parties").

6 Specifically, the Parties agree to amend Sections 2.5, 2.20, and 3.3 of the Labor Code
7 Private Attorneys' General Act Settlement Agreement and Release entered January 17, 2023, as
8 follows:

9 2.5. "Complaint" means the First Amended Complaint filed on June 20, 2024.

10 2.20. "Released Claims" means any and all claims, obligations, demands, rights, causes
11 of action, and liabilities against Releasees under PAGA that have been asserted in the First
12 Amended Complaint filed June 20, 2024, and/or in the letters sent on Plaintiffs' behalf to the
13 LWDA dated December 1, 2021, *i.e.*, claims under Labor Code sections 201, 202, 203, 204, 226,
14 226.7, 510, 512, 1197.1, 227.3, 246, 432.5 and 1198.5 based on the facts, claims and/or allegations
15 pled or asserted therein. Released Claims are claims for failure to pay sick time at the correct rate
16 of pay, failure to pay overtime at the correct rate of pay, failure to pay meal period premiums and
17 rest period premiums at the regular rate of pay, failure to issue accurate itemized wage statements,
18 failure to accrue or pay for the correct amount of vacation hours, and includes all such claims from
19 December 1, 2020 through December 31, 2022, as well as all associated claims for penalties,
20 attorneys' fees, and costs and interest. Plaintiffs release these claims in their representative
21 capacities as proxies for the LWDA and as private attorney general "aggrieved employees" acting
22 on behalf of themselves and the PAGA Members.

23 3.3. On February 9, 2022, Plaintiffs filed a representative action complaint against
24 Citibank for recovery of civil penalties under PAGA for Citibank's purported violation of Labor
25 Code Section 246 for the alleged failure to pay the correct rate for statutory sick leave. Compl., ¶¶
26 21-35. On June 20, 2024, Plaintiffs filed an amended complaint (the "Complaint," as defined in
27 section 2.5, above) against Citibank for recovery of civil penalties under PAGA for Citibank's
28 purported violation of the "Released Claims" as defined in section 2.20, above. Compl., ¶¶ 20-108.

SIGNATURE PAGE

Dated: July __, 2024

PLAINTIFF ELSA GARCIA

By _____
Plaintiff Elsa Garcia

Dated: July __, 2024

PLAINTIFF MARLON AYALA

By _____
Plaintiff Marlon Ayala

Dated: July 8, 2024

CITIBANK, N.A.

By Tara Pendleton
By: Tara Pendleton
Its: Director, Human Resources Advisor

Dated: July 8, 2024

THE JAMI LAW FIRM P.C.

By _____
Tamim Jami
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July __, 2024

MASHIRI LAW FIRM, APC

By _____
Alex Asil Mashiri
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July 8, 2024

MORGAN, LEWIS & BOCKIUS LLP

By [Signature]
Daryl S. Landy
Alexander L. Grodan
Attorneys for Defendant Citibank, N.A.

SIGNATURE PAGE

Dated: July 8, 2024

PLAINTIFF ELSA GARCIA

By 
Elsa Garcia (Jul 8, 2024 12:42 PDT)
Plaintiff Elsa Garcia

Dated: July __, 2024

PLAINTIFF MARLON AYALA

By _____
Plaintiff Marlon Ayala

Dated: July __, 2024

CITIBANK, N.A.

By _____
Name:
Title:

Dated: July 5, 2024

THE JAMI LAW FIRM P.C.

By 
Tamim Jami
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July __, 2024

MASHIRI LAW FIRM, APC

By _____
Alex Asil Mashiri
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July __, 2024

MORGAN, LEWIS & BOCKIUS LLP

By _____
Daryl S. Landy
Alexander L. Grodan
Attorneys for Defendant Citibank, N.A.

SIGNATURE PAGE

Dated: July __, 2024

PLAINTIFF ELSA GARCIA

By

Plaintiff Elsa Garcia

Dated: July ⁸~~Mar~~, 2024

PLAINTIFF MARLON AYALA

By


Marlon Ayala (Jul 8, 2024 19:24 PDT)

Plaintiff Marlon Ayala

Dated: July __, 2024

CITIBANK, N.A.

By

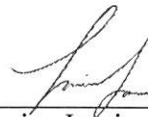
Name:

Title:

Dated: July 5, 2024

THE JAMI LAW FIRM P.C.

By


Tamim Jami
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July __, 2024

MASHIRI LAW FIRM, APC

By

Alex Asil Mashiri
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July __, 2024

MORGAN, LEWIS & BOCKIUS LLP

By

Daryl S. Landy
Alexander L. Grodan
Attorneys for Defendant Citibank, N.A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE PAGE

Dated: July __, 2024

PLAINTIFF ELSA GARCIA

By _____
Plaintiff Elsa Garcia

Dated: July __, 2024

PLAINTIFF MARLON AYALA

By _____
Plaintiff Marlon Ayala

Dated: July __, 2024

CITIBANK, N.A.

By _____
Name:
Title:

Dated: July __, 2024

THE JAMI LAW FIRM P.C.

By _____
Tamim Jami
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July 3, 2024

MASHIRI LAW FIRM, APC

By  _____
Alex Asil Mashiri
Attorneys for Plaintiffs Elsa Garcia and
Marlon Ayala

Dated: July __, 2024

MORGAN, LEWIS & BOCKIUS LLP

By _____
Daryl S. Landy
Alexander L. Grodan
Attorneys for Defendant Citibank, N.A.