

MOUTON LAW

STACEY Y. MOUTON (SB# 324959)

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Attorney for Plaintiff

ALAN MONDUS

ELECTRONICALLY FILED

Superior Court of California,
County of San Diego

12/07/2023 at 11:20:00 AM

Clerk of the Superior Court
By Emily Schilawski, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

ALAN MONDUS, an individual, on behalf of
himself and other aggrieved employees,

Plaintiff,

vs.

PROVIDIEN THERMOFORMING INC., a
California Corporation, CARLISLE
INTERCONNECT TECHNOLOGIES INC., a
Delaware Corporation, and DOES 1-20,
inclusive.

Defendants.

CASE NO. 37-2022-00002816-CU-WT-CTL

**PLAINTIFF'S REQUEST DISMISS
ACTION; DECLARATION OF STACEY
MOUTON IN SUPPORT THEREOF;
~~PROPOSED~~ ORDER**

DEPT: C-71

JUDGE: Hon. Gregory W. Pollack

Action Filed: January 24, 2022

Trial Date: None Set

1 Plaintiff Alan Mondus ("Plaintiff"), by and through his counsel, hereby requests as
2 follows:

3 WHEREAS, on January 24, 2022, Plaintiff filed a complaint (ROA No. 1) against
4 Defendants Providien Thermoforming Inc. and Carlisle Interconnect Technologies Inc.
5 ("Defendants") in the Superior Court of California, County of San Diego (the "Action");

6 WHEREAS, on or about March 16, 2022, Defendants answered Plaintiff's Complaint
7 denying the allegations therein (ROA No. 10);

8 WHEREAS, Plaintiff's Complaint asserted several causes of action on behalf of himself, as
9 well as one cause of action on behalf of the State of California through the Private Attorneys
10 General Act ("PAGA");

11 WHEREAS, the Parties have resolved Plaintiff's individual claims only, and agreed to
12 dismiss the PAGA claim without prejudice;

13 WHEREAS, no consideration is being provided to Plaintiff for the dismissal of the PAGA
14 claim;

15 WHEREAS, no aggrieved employees, have been provided any notice regarding the
16 pendency of this Action, and there has been no publication or other press coverage of the claims at
17 issue in this Action;

18 WHEREAS, the dismissal of the Action will not prejudice the rights and remedies of any
19 aggrieved employees as no notice been provided to them;

20 WHEREAS, Plaintiff notified California's Labor Workforce and Development Agency that
21 Plaintiff has (1) requested this Court dismiss his PAGA claim without prejudice, and (2)
22 relinquished his status as California's authorized representative for LWDA Case Number LWDA-
23 CM-864494-22;

24 WHEREAS, the dismissal of the Action will thus not prejudice the rights and remedies of
25 the State of California.

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NOW, THEREFORE, Plaintiff hereby requests that:

- 1. Plaintiff's individual claims shall be dismissed with prejudice; *and*
- 2. Plaintiff's PAGA action shall be dismissed without prejudice.

DATED: December 7, 2023

MOUTON LAW

By: */s/ Stacey Y. Mouton*

Stacey Mouton
Attorney for Plaintiff
ALAN MONDUS

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1. I am Partner at Mouton Law, which is counsel of record for Plaintiff Alan Mondus. I am admitted to practice law in the state of California. I make this declaration in support of the above Request to Dismiss Action. The facts set forth herein are of my own personal knowledge, or based upon my review of the case file, and if sworn I could and would competently testify thereto.

3. On or about March 16, 2022, Defendants answered Plaintiff's complaint, denying the validity of Plaintiff's claims and denying that they are subject to liability.

5. No aggrieved employees have been provided any notice regarding the pendency of this Action. Additionally, to my knowledge, there has been no publication or other press coverage of the claims at issue in this Action. As a result, no notice to the aggrieved employees is required.

7. Plaintiff requests that the Court enter a dismissal of this action, without prejudice with respect to the PAGA claim, and with prejudice with respect to Plaintiff's individual claims.

///

1 I declare under penalty of perjury under the laws of California, that the foregoing is true
2 and correct, and that this declaration was executed on this 7th day of December, 2023, at San
3 Diego, California.

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5 By: /s/ Stacey Y. Mouton

6 Stacey Y. Mouton
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1 **~~PROPOSED~~ ORDER**

2 THE COURT, having received and reviewed Plaintiff's Request to Dismiss this Action, the
3 declaration of Stacey Mouton in support thereof, and finding GOOD CAUSE appearing therein,
4 orders as follows:

5 1. Upon entry of this Order, Plaintiff's individual claims within the Action shall be
6 dismissed in their entirety and **with prejudice**;

7 2. Upon entry of this Order, the representative claim under California's Private
8 Attorneys General Act shall be dismissed in its entirety and **without prejudice**;

9 3. Each Party shall bear his/its own costs and attorneys' fees, except as otherwise
10 agreed.

11 **IT IS SO ORDERED**

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14 DATED: **December 15, 2023**



15 HON. GREGORY W. POLLACK
16 JUDGE OF THE SUPERIOR COURT
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PROOF OF SERVICE

My office is within the City of San Diego and County of San Diego, State of California. I am over the age of 18, and not a party to the within action. My business address is 2150 Comstock St. #710754, San Diego, California, 92111.

On December 7, 2023, I served the foregoing document(s) described as:

1. **PLAINTIFF'S REQUEST DISMISS ACTION;**
2. **DECLARATION OF STACEY MOUTON IN SUPPORT THEREOF;**
3. **[PROPOSED] ORDER.**

on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Brandon D. Saxon
Laura A. Walker
Amanda H. Herron
GORDON REES SCULLY MANSUKHANI LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101
Telephone:
(619) 544-7229
E-Mail:
bsaxon@grsm.com
lwalker@grsm.com
aherron@grsm.com

Attorneys for Defendants
PROVIDIEN THERMOFORMING, INC.; CARLISLE INTERCONNECT
TECHNOLOGIES, INC.

- ☐ **VIA OVERNIGHT MAIL:**
VIA UPS: By delivering such document(s) to an overnight mail service or an authorized courier in a sealed envelope or package designated by the express service courier addressed to the person(s) on whom it is to be served.
- ☐ **VIA U.S. MAIL:**
I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S. postal service on December 7, 2023 with postage thereon fully prepaid, at San Diego, California.
- ☐ **VIA PERSONAL DELIVERY:**
I caused to be personally delivered such sealed envelope(s) by hand to the offices of the addressee(s) pursuant to CCP § 1011.



VIA ELECTRONIC MAIL: The Parties to this action have both filed pleadings electronically. Accordingly—per Code of Civil Procedure section 1010.6 and California Rules of Court, Rule 2.251(b)(1)(B)—they have manifested affirmative consent to service through electronic means. All documents served in this matter will thus be done by electronic means consistent with other provisions of the Code of Civil Procedure.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 7, 2023, at San Diego, California.

/s/ Stacey Y. Mouton

Stacey Y. Mouton