

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 201908/172264/330386 NAME: Ulric Usher/Gordon Mears/Atley Usher Jr. FIRM NAME: Law Offices of Ulric E. J. Usher, Esq. A PC STREET ADDRESS: 530 West Lancaster Blvd. CITY: Lancaster STATE: CA ZIP CODE: 93534 TELEPHONE NO.: 661-723-0046 FAX NO.: 661-723-1763 E-MAIL ADDRESS: atley@usherlawoffices.com ATTORNEY FOR (name): Harold King, dba Hak-Away Transport		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles 04/17/2024 David W. Slayton, Executive Officer / Clerk of Court By: <u> T. Le </u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NUMBER: Case #22STCV10239	
PLAINTIFF/PETITIONER: Brandon Feil DEFENDANT/RESPONDENT: Harold King, et-al OTHER:		JUDICIAL OFFICER: Hon. Christopher K. Lui	
PROPOSED ORDER (COVER SHEET)		DEPT: 76	

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

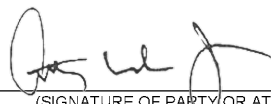
1. Name of the party submitting the proposed order: **Harold King**

2. Title of the proposed order: **JOINT STIPULATION FOR DISMISSAL OF PLAINTIFF'S PAGA CLAIMS WITHOUT PREJUDICE**

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: **n/a**
 - b. Date and time: **n/a**
 - c. Place: **n/a**

4. The proposed order was served on the other parties in the case.

Atley Usher Jr.
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME: Feil v. King

CASE NUMBER:
Case #22STCV10239**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**1. I am at least 18 years old and **not a party to this action.**a. My residence or business address is (*specify*):
530 W. Lancaster Blvd., Lancaster, CA 93534b. My electronic service address is (*specify*):
atley@usherlawoffices.com2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):
Ms. Liliuokalani Martin, Downtown LA Law Group, Attorney for Brandon Feilb. To (*electronic service address of person served*):lili@downtownlalaw.cmc. On (*date*): 4/11/2024☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4/11/2024

Atley A. Usher, Jr. Esq.

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

Liliuokalani H. Martin, Esq. (SBN 292778)
DOWNTOWN LA LAW GROUP
910 S. Broadway
Los Angeles, CA 91103
Telephone: (213) 389-3765
Facsimile: (877) 389-2775
Email: lili@downtownlalaw.com

Attorneys for Plaintiff,
BRANDON MICHAEL FEIL

**SUPERIOR COURT OF THE STATE OF CALIFORNIA,
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

BRANDON MICHAEL FEIL, an individual,
Plaintiff,

v.

HAROLD KING, DBA AS HAK-AWAY
TRANSPORT, A FICTITIOUS ENTITY;
HAROLD KING, AN INDIVIDUAL; HAC-
AWAY RECOVERY, AN UNKNOWN
ENTITY; AND DOES 1 THROUGH 20,
INCLUSIVE,
Defendants.

CASE NO.: 22STCV10239
Assigned to Hon. Judge Christopher K.
Lui, Department 76

**JOINT STIPULATION OF DISMISSAL OF
PLAINTIFF'S PAGA CLAIMS WITHOUT
PREJUDICE; AND ~~PROPOSED~~ ORDER**

Complaint Filed: March 24, 2022
Trial Date: None Yet Set

Plaintiff Brandon Michael Feil ("Plaintiff"), by and through his attorney of record, Downtown LA Law Group, and Defendant Harold King dba Hak-Away Transport and Harold King (collectively "Defendant"), by and through its attorney of record, Law Offices of Ulric EJ Usher, hereby stipulate and agree as follows:

1. WHEREAS, a confidential settlement in this case was reached on or about January 19, 2024.
2. WHEREAS the parties agreed to resolve Plaintiff's individual claims.
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 pursue this lawsuit on their behalf.

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

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

5 8. WHEREAS, this Court may determine that the rights of other aggrieved employees will
6 not be prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff
7 prosecutes the action on behalf of the putative class members, Plaintiffs here did *not* prosecute the action
8 on behalf of the similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on
9 behalf of the Labor Commission; the similarly-aggrieved employees have no private right of action in
10 those penalties and no entitlement to them. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220
11 Cal.App.4th 635, 650¹ ["In PAGA, the Legislature created an enforcement mechanism for aggrieved
12 employees to file representative actions to recover penalties in cases in which there is no private cause
13 of action as an alternative to enforcement by the Labor Commissioner"]; *Arias v. Superior Court* (2009)
14 46 Cal.4th 969, 980–987, 95 Cal.Rptr.3d 588, 209 P.3d 923 [PAGA suit is a representative action and
15 need not be brought as a class action]. *Second*, there has been no discovery as to the identities of other
16 aggrieved employees, nor has notice of this action been provided to other aggrieved employees. Thus,
17 the parties are not aware of any other aggrieved employees who have any expectations of recovery of any
18 kind in this case, and to the extent any of them wish, in the future, to pursue their own claims, they have
19 the right to do that.

20
21 THE PARTIES THEREFORE stipulate and jointly request that:

22 1. The Court dismiss Plaintiff's eighth cause of action of the complaint (Private Attorney
23 General Act) without Prejudice.

24
25
26
27
28 _____
¹ Superseded by statute on unrelated ground.

1 DATED: April 11, 2024

Respectfully submitted,

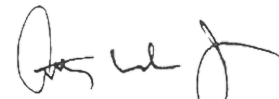
DOWNTOWN LA LAW GROUP

3
4 By: 
Liliuokalani H. Martin, Esq.
Attorneys for Plaintiff,
Brandon Michael Feil

6
7 DATED: April 11, 2024

Respectfully submitted,

LAW OFFICES OF ULRIC E. J. USHER

9
10 By: 
Atley Alexander Usher, Esq.
Attorneys for Defendant,
Harold King, an individual and dba Hak-Away
Transport

[PROPOSED] ORDER

IT IS HEREBY ORDERED, pursuant to the stipulation by parties, and good cause appearing therefrom:

1. The Court dismisses Plaintiff's eighth cause of action of the complaint (Private Attorney General Act) without Prejudice.

IT IS SO ORDERED:

DATED: 04/17/2024



HON. CHRISTOPHER K. LUI