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FILED
 Superior Court of California
 County of Los Angeles
03/20/2023
 David W. Slayton, Executive Officer / Clerk of Court
 By: A. Lim Deputy

5 Attorneys for Plaintiff and the
 [Proposed] Class

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12 Attorneys for Defendant
 THE VONS COMPANIES, INC.

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 15 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
 16 **SPRING STREET COURTHOUSE**

18 CHRISTINA TORIZ, an individual; on behalf of
 himself and all others similarly situated;

19 Plaintiff,

20 v.

21 THE VONS COMPANIES, INC., a Michigan
 Corporation; COLLEEN KIMMAL, an
 22 individual; TISCH BLANCO, an individual; and
 DOES 1 through 20, inclusive;

23 Defendants.

Case No. 22STCV07345

[Assigned For All Purposes to Judge Kenneth R.
 Freeman, Department 14]

**STIPULATION IN SUPPORT OF REQUEST
 FOR DISMISSAL OF CLASS
 ALLEGATIONS PURSUANT TO
 CALIFORNIA RULES OF COURT, RULE
 3.770(A)-(C); ~~PROPOSED~~ ORDER**

Complaint Filed: March 1, 2022
 Trial Date: Not Set

1 Plaintiff Christina Toriz (“Plaintiff”), individually and on behalf of others similarly situated
2 (“Plaintiff”) and Defendant The Vons Companies, Inc. (“Defendant Vons”) (collectively, the
3 “Parties”) hereby enter into the following stipulation to dismiss Plaintiff’s individual claims with
4 prejudice and the putative class claims without prejudice based on the following facts:

5 WHEREAS, on March 1, 2022, Plaintiff filed a putative class action lawsuit against The Vons
6 Companies, Inc., Colleen Kimmal and Tisch Blanco alleging claims for: (1) failure to pay minimum
7 wages; (2) failure to pay overtime compensation; (3) failure to provide meal periods; (4) failure to
8 provide rest periods; (5) failure to provide accurate itemized wage statements; (6) failure to pay all
9 wages due upon termination; (7) failure to reimburse business expenses; and (8) and unfair
10 competition;

11 WHEREAS, on May 31, 2022, Defendant Vons filed a Notice of Related Cases with this Court
12 regarding numerous previously filed cases with overlapping class definitions, claims predicated upon
13 the same or substantially similar primary rights, and the same or substantially similar transaction or
14 events as this case;

15 WHEREAS, on August 4, 2022, Plaintiff filed a Request for Dismissal Without Prejudice of
16 Defendants Colleen Kimmal and Tisch Blanco, which is pending approval by the Court;

17 WHEREAS, Plaintiff and Defendant Vons in this action have reached an agreement to settle
18 Plaintiff’s individual claims and to dismiss her individual claims with prejudice and the putative class
19 allegations in this action without prejudice;

20 WHEREAS, the Parties have concluded through informal discovery and through their meet
21 and confer discussions that it is improbable a class could be certified under Code of Civil Procedure
22 Section 382 for a number of reasons, including:

- 23 a. As noted above, there are numerous previously filed related actions, including
24 *Rodarte v. The Vons Companies, Inc., et al.* (Case No. 20STCV05641) (“*Rodarte*
25 *matter*”) that is currently pending before this Court; *Holly McCarthy, et al. v. The*
26 *Vons Companies, Inc., a Michigan Corporation; and DOES 1-50, inclusive, San*
27 *Bernardino County Superior Court, Case No. CIVDS2021085* (the “*McCarthy*
28 *matter*”); *Allison Dewse, an individual, on behalf of herself, and on behalf of others*

1 *similarly situated v. Albertsons Companies, Inc., et al.* United States District Court
2 for the Southern District of California, Case No. 3:22-cv-0013-H-JLB; *Monica*
3 *Luna, et al. v. Albertsons Companies, Inc., New Albertsons Companies, Inc., and*
4 *The Vons Companies, Inc.*, Los Angeles County Superior Court Case No.
5 BC605621; *Rachel Mendoza, on behalf of herself, the State of California, and*
6 *Aggrieved Employees v. THE VONS COMPANIES, INC.*, Alameda County
7 Superior Court Case No. RG21100503; *Laila Abedi, individually and on behalf of*
8 *herself and all others similarly situated v. THE VONS COMPANIES, INC., a*
9 *Michigan corporation, doing business as PAVILION'S GROCERY STORES; and*
10 *DOES 1-50, inclusive.* Los Angeles County Superior Court Case No.
11 21STCV30338; *Olga Fimbres, et al. v. The Vons Companies, Inc.; and DOES 1-*
12 *10, inclusive* Riverside County Superior Court Case No. RIC 1904892; *Paula*
13 *Bassett v. The Vons Companies, Inc., a Michigan Corporation; and DOES 1-50,*
14 *inclusive,* Alameda County Superior Court Case No. RG20082630

15 b. The parties in the *Rodarte* matter and *McCarthy* matter (collectively referred to as
16 “*Rodarte/McCarthy* Settlement”) reached a class and representative action
17 settlement in principal and have fully executed a memorandum of understanding to
18 that effect. The parties in the *Rodarte/McCarthy* Settlement are preparing a formal
19 settlement agreement and appropriate documents for the approval from the Court
20 and assuming it is approved, the *Rodarte/McCarthy* Settlement will resolve and
21 release nearly all of the claims alleged herein through April 30, 2022.

22 c. Defendant Vons disputes and denies all of Plaintiff’s claims as to liability and
23 damages as well as Plaintiff’s class allegations.

24 WHEREAS, the Parties agree that it would be a waste of judicial time and resources for
25 Plaintiff to continue pursuing a class action with the *Rodarte/McCarthy* Settlement pending;

26 WHEREAS, the Parties agree that this action has not become widely known to the public in
27 general, no notice of the pendency of this action or privacy notice has been sent to the putative class,
28 and that no prejudice will result to the putative class because it is so improbable that this case could

1 be certified as a class action. Furthermore, dismissal of the class claims will not bar any putative class
2 member from filing an individual claim on similar grounds against Defendant Vons;

3 WHEREAS, the Parties have entered into a confidential settlement with respect to the
4 compromise of Plaintiff's individual claims. A true and correct copy of the Settlement Agreement can
5 be provided to the Court for an in camera review upon request. No claims were settled on behalf of
6 the putative class. No settlement negotiations were conducted on the part of the putative class. No
7 settlement amount will be paid on behalf of the putative class. No attorneys' fees or costs were paid
8 in relation to or on behalf of any representation of the putative class;

9 WHEREAS, each party shall bear its own attorneys' fees and costs incurred in connection with
10 all proceedings and related to this action;

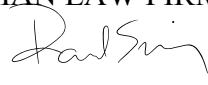
11 WHEREAS, the total consideration paid in exchange for this dismissal is based primarily on
12 Plaintiff's general release of all claims relating to her employment and the total workweeks Plaintiff
13 was employed during the limitations period applicable to her claims. It is substantially less than the
14 maximum value of her alleged individual claims, and represents an appropriate discount on her alleged
15 individual claims in light of the risks the litigation of her individual claims pose.

16 IT IS HEREBY STIPULATED, by and between the parties, through their counsel of record,
17 that the Complaint be dismissed in its entirety as follows:

- 18 1. Pursuant to Rule of Court 3.770, the class and representative action allegations
19 alleged in the Complaint should be dismissed without prejudice;
- 20 2. The remaining individual claims of Plaintiff shall be dismissed without prejudice; and
- 21 3. Each party shall bear its or her own attorneys' fees and costs.

22
23 Dated: February 1, 2023

SROURIAN LAW FIRM, P.C.

24 By: 
25

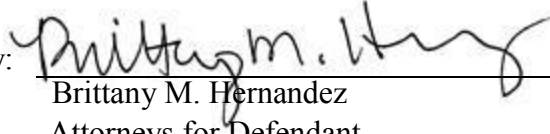
Daniel Srourian

26 Attorneys for Plaintiff
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1 Dated: February 1, 2023

REED SMITH LLP

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3 By:



Brittany M. Hernandez
Attorneys for Defendant
THE VONS COMPANIES, INC.

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~~PROPOSED~~ ORDER

Having reviewed the Declarations of Plaintiff Christina Toriz and her counsel, Daniel Srourian, the Court, pursuant to California Rule of Court, Rule 3.770 hereby Orders as follows:

1. The Court dismisses Plaintiff Christina Toriz's individual claims in the above-entitled matter with prejudice;
2. The Court dismisses the claims of the unnamed putative class members in the above-entitled matter without prejudice; and
3. Each side is to bear their own respective fees and costs.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "Kenneth R. Freeman", is written over a horizontal line.

Dated: March 20, 2023

Kenneth R. Freeman / Judge

Honorable Kenneth R. Freeman

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DANIEL SROURIAN

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Counsel	Representing
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