

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Aiello vs. Bay-Valley Mortgage Group

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE**

CASE NUMBER:
30-2021-01211030-CU-OE-CXC

I certify that I am not a party to this cause. I certify that the following document(s), ORDER of Dismissal dated 12/07/22, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on December 7, 2022, at 1:19:08 PM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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Clerk of the Court, by:



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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

DEC 07 2022

DAVID H. YAMABAKI, Clerk of the Court

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE / CIVIL COMPLEX

JASON AIELLO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BAY-VALLEY MORTGAGE GROUP
dba PACIFIC BAY LENDING GROUP
dba VALLEY VIEW HOME LOANS;
and, DOES 1 through 20, inclusive,

Defendants.

Case No. 30-2021-01211030-CU-OE-CXC

Assigned to:
Hon. Lon F. Hurwitz
Dept. CX103

Complaint Filed: July 16, 2021
Trial Date: None Set

ORDER OF DISMISSAL
[Filed concurrently with Declaration of
James F. Clapp]

1 The above-entitled Court having considered the records and files in this action, and
2 the Declaration of Plaintiff's Counsel, James F. Clapp, Esq., and good cause appearing, the
3 Court hereby orders as follows:

4 a) Plaintiff Jason Aiello's operative First Amended Complaint ("FAC") alleged
5 the following causes of action: (1) an individual and class claim for unreimbursed business
6 expenses; (2) an individual and class claim for unpaid minimum wages; (3) an individual
7 and class claim for unpaid overtime; (4) an individual and class claim for failure to provide
8 meal breaks; (5) an individual and class claim for waiting time penalties; (6) an individual
9 and class claim for wage statement violations; (7) an individual and class claim for unfair
10 competition; (8) an individual claim for unpaid commissions; (9) an individual claim for
11 misappropriation of name/personal information; (10) an individual claim for common
12 counts; (11) an individual claim for unfair competition; and (12) a representative claim for
13 violation of the Labor Code Private Attorneys General Act ("PAGA").

14 b) Aiello's individual claims—those alleged in the first through eleventh causes
15 of action—are hereby dismissed WITH PREJUDICE.

16 c) Pursuant to the Court's May 3, 2022 Order, Aiello's class claims—those
17 alleged in the first through seventh causes of action—have already been dismissed
18 WITHOUT PREJUDICE.

19 d) As the U.S. Supreme Court recently held in *Viking River Cruises v.*
20 *Moriana* (2022) 142 S.Ct. 1906, Aiello's PAGA claim consists of an "individual" claim
21 (seeking penalties for Labor Code violations allegedly suffered by Aiello personally) and a
22 "non-individual" claim (seeking penalties for Labor Code violations allegedly suffered by
23 Aiello's co-workers). Aiello's individual PAGA claims are hereby dismissed WITH
24 PREJUDICE. Aiello's non-individual PAGA claims are dismissed WITHOUT
25 PREJUDICE, except that Aiello has agreed he will not personally reassert the non-
26 individual claim.

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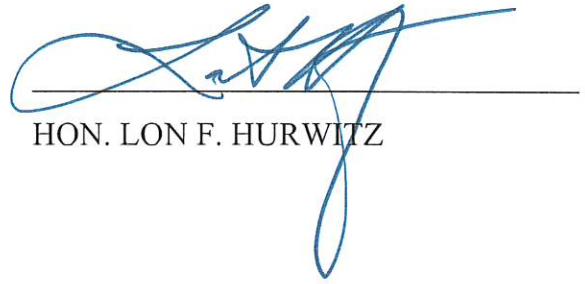
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e) Pursuant to Labor Code § 2699(1)(3), a copy of this Order shall be submitted to the Labor Workforce & Development Agency within 10 days after entry of this Order.

IT IS SO ORDERED.

DEC 07 2022

Dated: _____



HON. LON F. HURWITZ