

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/07/18

DEPT. 34

HONORABLE MICHAEL P. LINFIELD

JUDGE

D. SILVA

DEPUTY CLERK

HONORABLE  
#9

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

V. GALINDO, C.A.

Deputy Sheriff

NONE

Reporter

8:31 am

BC637582

Plaintiff  
Counsel

SAMVEL GESHGIAN

(X)

ESTEBAN DOMINGUEZ

VS

Defendant  
Counsel

FREDERICK UFKES

(X)

ANTONINO NATALE INC

VIA COURTCALL

## NATURE OF PROCEEDINGS:

MOTION OF PLAINTIFF, ESTEBAN DOMINGUEZ, TO DISMISS  
PAGA CLAIMS;

The Court's tentative ruling is posted online for  
parties/counsel to review.

The matters are called for hearing.

Counsel for plaintiff submits on the Court's  
tentative. After having heard oral arguments, the  
Court adopts his tentative ruling as the final order  
of the court as follows:

The motion is GRANTED.

## BACKGROUND:

Plaintiff commenced this action on 10/17/16  
against defendant for: (1) failure to pay wages; (2)  
failure to pay overtime compensation; (3) failure to  
provide meal and rest periods; (4) failure to  
provide itemized wage statements; (5) unfair  
competition; (6) private attorney general act; and  
(7) conversion.

On 12/29/17, the parties filed a Notice of  
Settlement of Entire Case.

## ANALYSIS:

03/07/18

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/07/18

DEPT. 34

HONORABLE MICHAEL P. LINFIELD

JUDGE

D. SILVA

DEPUTY CLERK

HONORABLE  
#9

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

V. GALINDO, C.A.

Deputy Sheriff

NONE

Reporter

|         |                     |           |                 |     |
|---------|---------------------|-----------|-----------------|-----|
| 8:31 am | BC637582            | Plaintiff | SAMVEL GESHGIAN | (X) |
|         |                     | Counsel   |                 |     |
|         | ESTEBAN DOMINGUEZ   |           |                 |     |
|         | VS                  | Defendant | FREDERICK UFKES | (X) |
|         | ANTONINO NATALE INC | Counsel   | VIA COURTCALL   |     |

## NATURE OF PROCEEDINGS:

Plaintiff moves to dismiss, without prejudice, his Private Attorney General Act ("PAGA") cause of action on the ground that the parties have reached a settlement as to his Labor Code claims and he no longer wishes to pursue the PAGA claim. (Motion, p. 1:11-16.) Plaintiff declares that his discovery efforts have not revealed that any other current or former employees of defendant are "aggrieved employees" within the meaning of the PAGA. (Id. at p. 1:17-2:6.)

The Court has the inherent authority to dismiss this cause of action. (See Code Civ. Proc. § 583.150.) Plaintiff argues that he may move to dismiss his PAGA claim because the PAGA statute provides that he may seek penalties on behalf of other aggrieved employees but that he "may instead seek the penalties on [plaintiff's] sole behalf." (Motion, p. 2:22-25; (Lab. Cod. § 2699, subd. (g)(1).) Here, plaintiff suggests that there is no potential that the decision to dismiss this cause of action will be prejudicial to any other potential plaintiff. First, "unlike class actions where the class plaintiff prosecutes the action on behalf of the putative class members . . . [i]n PAGA claims, the plaintiff employee prosecutes on behalf of the Labor Commission; the similarly-aggrieved employees have no private right of action . . . ." (Id. at p. 3:17-20.) Second, plaintiff's discovery efforts did

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/07/18

DEPT. 34

HONORABLE MICHAEL P. LINFIELD

JUDGE

D. SILVA

DEPUTY CLERK

HONORABLE  
#9

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

V. GALINDO, C.A.

Deputy Sheriff

NONE

Reporter

|         |                     |                      |                 |     |
|---------|---------------------|----------------------|-----------------|-----|
| 8:31 am | BC637582            | Plaintiff<br>Counsel | SAMVEL GESHGIAN | (X) |
|         | ESTEBAN DOMINGUEZ   |                      |                 |     |
|         | VS                  | Defendant            | FREDERICK UFKES | (X) |
|         | ANTONINO NATALE INC | Counsel              | VIA COURTCALL   |     |

**NATURE OF PROCEEDINGS:**

not lead to the identities of any other aggrieved employees. (Id. at p. 4:1-4.) Based on the foregoing, the Court concludes that no prejudice will result from dismissing the PAGA cause of action.

Plaintiff's dismissal of his PAGA claim without prejudice does not prevent any other employees from pursuing their own causes of action, nor would it prevent another employee from pursuing a PAGA action

Accordingly, the motion is GRANTED.

Order to Show Cause Re Dismissal Per Settlement currently set for March 8, 2018 is advanced to this date and continued to April 10, 2018, at 8:30 a.m., in Department 34.

Notice is waived.

03/07/18 09:10