

04/19/2024

David W. Slayton, Executive Officer / Clerk of Court

By: N. Marshall Deputy

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Attorneys for Plaintiffs,
CAROLINA ESPARZA and JENNIFER ROJAS

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

CAROLINA ESPARZA, an individual;
JENNIFER ROJAS, and individual,

Plaintiffs,

vs.

COLLAZO CHIROPRACTIC, INC., a
California corporation; DR. JEAN COLLAZO,
D.C., an individual; and DOES 1 through 20,
inclusive,

Defendants.

Case No.: 22STCV28896

*[Assigned to the Honorable Maurice A. Leiter, Dept.
54]*

**PLAINTIFFS' NOTICE OF SETTLEMENT,
REQUEST FOR DISMISSAL OF PLAINTIFFS'
PRIVATE ATTORNEY GENERAL ACT
CLAIM WITHOUT PREJUDICE**

Action filed: September 6, 2022
Trial: April 29, 2024

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

1. This entire case has been settled. The settlement is conditional on the dismissal of Plaintiffs' Private Attorney General Act ("PAGA") claim. A request for dismissal will be filed no later than 45 days after the approval of Plaintiffs' request to dismiss their PAGA cause of action.

2. Plaintiffs' initial pleading was filed on September 6, 2022.

3. The Parties are scheduled to appear before the Honorable Maurice A. Leiter for the Parties' Final Status Conference on April 19, 2024 at 9:30 a.m. in Department 54.

4. Trial is set for April 29, 2024 at 9:30 a.m. in Department 54.

1 Plaintiffs Carolina Esparza and Jennifer Rojas (“Plaintiffs”), on behalf of themselves, and the
2 State of California Labor & Workforce Development Agency (“LWDA”), through their attorneys of
3 record, GUERRA & CASILLAS LLP, hereby reports and requests as follows:

4 WHEREAS, the Parties are pleased to report that this matter has been settled.

5 WHEREAS, the Parties’ agreement, however, is conditional on the dismissal of Plaintiffs’
6 PAGA cause of action without prejudice.

7 WHEREAS, Plaintiffs provided the LWDA with notice of their intent to assert a PAGA claim
8 and the basis for that claim in accordance with Labor Code section 2699.3 on June 22, 2022 Plaintiffs
9 filed their Complaint on September 6, 2022, after not receiving a response from the LWDA.

10 WHEREAS, upon receipt of the settlement payment, Plaintiffs will file a request for dismissal
11 with prejudice.

12 WHEREAS, Plaintiffs brought this Action against Defendants alleging the following causes of
13 action: (1) Discrimination, (2) Retaliation, (3) Failure to prevent discrimination and retaliation, (4)
14 Retaliation in violation of Labor Code section 98.6, (5) Retaliation in violation of Labor Code section
15 1102.5, 1102.6, (6) Retaliation in Violation of Government Code Sections 12945.2 *et. seq.*, (7) Failure
16 to provide reasonable accommodations, (8) Failure to engage in the good faith interactive process, (9)
17 Wrongful termination in violation of public policy, (10) Declaratory judgement, (11) Failure to pay
18 wages due, (12) Failure to provide rest breaks, (13) Failure to Indemnify for Necessary Business
19 Expenses, (14) Failure to provide itemized wage and hour statements, (15) Waiting time penalties, (16)
20 Violations of the Private Attorneys General Act (“PAGA”), and (17) Unfair Competition;

21 WHEREAS, Defendants’ alleged violations under the California Labor Code, and the derivative
22 claims, serve as the basis for Plaintiff’s PAGA cause of action;

23 WHEREAS, Defendants deny that there is any factual or legal basis for the claims in this Action;

24 WHEREAS, in order to avoid the expense, uncertainty, and inconvenience of further
25 proceedings, the Parties reached a settlement of Plaintiff’s claims against Defendants, which underlying
26 negotiations were focused completely on Plaintiff’s individual claims and not the PAGA claims;

27 WHEREAS, the Parties entered into a confidential settlement and general release on April 11,
28 2024;

1 WHEREAS, the settlement between the Parties is not a “PAGA settlement” requiring court
2 approval under Labor Code section 2699(1)(2) because the Parties did not seek to release any claims on
3 a representative basis;

4 WHEREAS, Plaintiffs are limited to facts within their own knowledge, and Plaintiffs did not
5 receive any PAGA discovery from Defendants and will not be able to identify other aggrieved
6 employees;

7 WHEREAS, Plaintiffs have not sought the express consent of other aggrieved employees to
8 pursue this lawsuit on their behalf;

9 WHEREAS, Plaintiffs are not required to give other aggrieved employees the opportunity to opt-
10 out of Plaintiffs’ representation in this matter;

11 WHEREAS, a claim under the California Labor Code Private Attorney General Act of 2004
12 (“PAGA”), California Labor Code §§2699 et seq. was part of the Complaint;

13 WHEREAS, the rights of other aggrieved employees will not be prejudiced, as the Parties seek
14 dismissal without prejudice as to the other allegedly aggrieved employees. No consideration has been
15 or will be provided for the dismissal without prejudice of Plaintiffs’ PAGA claim with respect to these
16 other allegedly aggrieved employees, and the Parties did not seek or enter into a release of PAGA claims
17 on behalf of any allegedly aggrieved employees. Thus, Dismissal of this representative action does not
18 affect the rights or abilities of any other allegedly aggrieved employees to bring subsequent individual
19 actions, class actions, or representative PAGA actions because this action is to be dismissed without
20 prejudice as to any other allegedly aggrieved employees;

21 WHEREAS, this stipulation to dismiss the PAGA claims without prejudice shall be served to
22 the California Labor Workforce (“LWDA”) after Court approval;

23 WHEREAS, any other allegedly aggrieved employees will not be prejudiced without notice of
24 the settlement or the requested dismissal. Discovery as to the identities of other aggrieved employees
25 was not completed based on the Parties desire to resolve the case after protracted discussion,
26 investigation, and negotiation, nor has notice of this action been provided to other aggrieved employees.
27 Thus, the Parties are not aware of any other allegedly aggrieved employees who have any expectations
28 of recovery of any kind in this case, and to the extent any of them wish, in the future, to pursue their
own claims, they have the right to do that; and

1 WHEREAS, Plaintiffs wish to dismiss their PAGA cause of action without prejudice.

2
3 **NOW, THEREFORE**, Plaintiffs request that:

4 1. The Court dismiss Plaintiffs' sixteenth cause of action under the Private Attorney General
5 Act of 2004 ("PAGA"), Labor Code §§2699 et seq., without prejudice.

6
7 DATED: April 18, 2024

GUERRA & CASILLAS LLP

8
9 By: 

10 Guile Gomez, Esq.
11 Tizoc Perez-Casillas, Esq.
12 Ruben Guerra, Esq.
13 Attorneys for Plaintiff
14 CAROLINA ESPARZA and JENNIFER
15 ROJAS
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[PROPOSED] ORDER

The Court, having considered Plaintiffs' notice of settlement and request for dismissal of Plaintiff's Private Attorneys General Act cause of action without prejudice, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Plaintiffs' sixteenth cause of action under the California Labor Code, Private Attorney General Act, Labor Code §§ 2699, et seq., is dismissed without prejudice; and
2. Plaintiffs shall submit a copy of this Court Order to the Labor and Workforce Development Agency within 10 days after entry of this order.

IT IS SO ORDERED.

DATED: 04/19/2024



Maurice A. Leiter

HON. JUDGE MAURICE A. LEITER
JUDGE OF SUPERIOR COURT
Maurice A. Leiter / Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 617 South Olive Street, Suite 422, Los Angeles, California 90014.

On April 18, 2024, I served the foregoing document(s) described as **PLAINTIFFS' NOTICE OF SETTLEMENT, REQUEST FOR DISMISSAL OF PLAINTIFFS' PRIVATE ATTORNEY GENERAL ACT CLAIM WITHOUT PREJUDICE** on the interested parties described in the attached service list in this action as follows:

Randolph R. Ramirez, Esq.
RANDOLPH ROGER RAMIREZ P.C.
790 E. Colorado Blvd., 9th Floor
Pasadena, CA 91101
rrr@4lawrrr.com

*Attorney for Defendants
Dr. Jean Collazo, D.C., and
Collazo Chiropractic, Inc.*

☒ (VIA ELECTRONIC TRANSMISSION) I caused a copy of the document(s) listed above to be sent **electronically transmitted** to the persons at the e-mail addresses listed above on this day. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on April 18, 2024, at Los Angeles, California.

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

Berenice De Jesus

