

Kevin Mahoney (SBN: 235367)
kmahoney@mahoney-law.net
Berkeh Alemzadeh, Esq. (SBN: 324834)
balem@mahoney-law.net
MAHONEY LAW GROUP, APC
249 E. Ocean Boulevard, Suite 814
Long Beach, CA 90802
Telephone No.: 562-590-5550
Facsimile No.: 562-590-8400

Attorneys for Plaintiff, MARIO JACKSON, as an individual and on behalf of all similarly situated employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MARIO JACKSON, as an individual and on
behalf of all similarly situated employees,

Plaintiff,

v.

TEMPUR RETAIL STORES LLC; and
DOES 1-50, inclusive,

Defendants.

Case No.: 22STCV28156

CLASS ACTION

**DECLARATION OF KEVIN MAHONEY
IN SUPPORT OF PLAINTIFF'S
REQUEST FOR DISMISSAL OF
PUTATIVE CLASS AND PAGA CLAIMS
WITHOUT PREJUDICE AND DISMISS
PLAINTIFF'S INDIVIDUAL CLAIMS
WITH PREJUDICE**

Assigned for All Purposes to:
Hon. Carolyn Kuhl, Dept.: 12

Complaint Filed: August 29, 2022
Trial Date: None Yet Set

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I, Kevin Mahoney, declare:

1. I am an attorney admitted to practice before all courts in the State of California and before this Court. The matters set forth are based on my personal knowledge, and if called as a witness, I could and would testify truthfully thereto.

2. I am an attorney and principal at Mahoney Law Group, APC, and counsel of record for Plaintiff MARIO JACKSON (“Plaintiff”) in the instant matter *Jackson v. Tempur Retail Stores LLC*, Los Angeles County Superior Court, case number 22STCV28156.

3. This declaration is submitted in regards to Plaintiff's Request for Dismissal of Putative Class and Private Attorneys General Act ("PAGA") Claims Without Prejudice and Dismissal of Individual Claims With Prejudice.

4. Pursuant to rule 3.770(a) of the California Rules of Court, a dismissal of an entire class action, or of any party or cause of action in a class action, requires court approval. The court may not grant a request to dismiss a class action, if the court has entered judgment following final approval of a settlement. Requests for dismissal must be accompanied by a declaration setting forth the facts on which the party relies. The declaration must clearly state whether consideration, direct or indirect, is being given for the dismissal and must describe the consideration in detail.

5. Plaintiff filed this purported class action complaint against Defendant Tempur Retail Stores LLC (“Defendant”) on August 29, 2022, on behalf of himself individually and the class he sought to represent. On or around October 25, 2024, Plaintiff filed a First Amended Complaint (“FAC”) to add an eighth cause of action pursuant to the Private Attorneys General Act (“PAGA”).

6. Plaintiff's class complaint alleges: (1) failure to pay all wages, including overtime wages; (2) failure to provide meal periods; (3) failure to provide rest periods; (4) failure to timely pay wages at separation; (5) failure to provide accurate wage statements; (6) failure to indemnify for expenditures or losses in discharge of duties; (7) violation of the Unfair Competition Law; and (8) Violation of the PAGA.

1 7. On or around March 11, 2025, the Court denied Plaintiff's Motion for
2 Preliminary Approval of Class Settlement. The Court found that the named Plaintiff had a
3 significant conflict. The Court further made clear in its March 11, 2025 order that the Plaintiff
4 had claims different from the claims he was seeing to litigate on behalf of the class. Given that
5 the Plaintiff's agreement to keep the amount of the individual settlement confidential, adequate,
6 complete and fair notice cannot (and was not) provided to the class. As such, it was believed to
7 be the best course for both Parties to attempt to negotiate a settlement on Plaintiff's individual
8 claims only. Based on documents and data provided to Plaintiff, Plaintiff was able to analyze
9 his individual claims and damages for settlement purposes.

10 8. Plaintiff and Defendant engaged in informal settlement negotiations and, after
11 some negotiation, the Parties agreed to an individual settlement to resolve Plaintiff's individual
12 claims. The terms of the settlement are confidential, however, the Parties are willing to discuss
13 with the Court off the record, if necessary.

14 9. No *Belaire-West* notice was mailed or disbursed to putative class members
15 regarding the filing or pendency of this action.

16 10. Plaintiff nor Plaintiff's counsel have received any express, direct, or indirect
17 consideration for the dismissal without prejudice of the putative class claims.

18 11. Per California rule of Court 3.770 (c), there is no requirement to give notice to
19 class members regarding the dismissal, because the Court has not certified the class and notice
20 of pendency of the action has not been provided to class members.

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12. As the Parties agreed to dismiss the class action without prejudice, the Parties' agreement and dismissal of the present action will not affect any of Defendant's current or former employees' ability, aside from the present Plaintiff, to pursue a wage and hour claim on a class or otherwise collective basis in a subsequent action against Defendant.

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

Executed on October 21, 2025, at Long Beach, California.

Kevin Mahoney

PROOF OF SERVICE
Code of Civ. Proc. § 1013a, subd. (3)

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 249 East Ocean Boulevard, Suite 814, Long Beach, California, 90802.

On **October 21, 2025**, I served [X] true copies [] originals of the following document(s); **DECLARATION OF KEVIN MAHONEY IN SUPPORT OF PLAINTIFF'S REQUEST FOR DISMISSAL OF PUTATIVE CLASS AND PAGA CLAIMS WITHOUT PREJUDICE AND DISMISS PLAINTIFF'S INDIVIDUAL CLAIMS WITH PREJUDICE**. I served the document(s) on the person(s) below as follows:

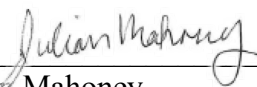
Angela J. Rafoth, Esq. Courtney Chambers, Esq. LITTLER MENDELSON, P.C. 333 Bush Street, 34 th Floor San Francisco, CA 94104	Attorneys for Defendant TEMPUR RETAIL STORES LLC Telephone: (415) 433-1940 Facsimile: (415) 399-8490 Email: arafoth@littler.com cchambers@littler.com jvenegas@littler.com
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The document(s) were served by the following means:

☒ By e-mail: Based upon court order or an agreement of the parties to accept service by e-mail, I caused the document(s) to be sent to the persons at the electronic service addresses listed above from the email address julian.mahoney@mahoney-law.net. Within a reasonable time after the transmission, no error, electronic message or any other indication that the transmission was unsuccessful was received.

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

Executed on **October 21, 2025**, at Long Beach, California.



Julian Mahoney