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Attorneys for Plaintiff
KAYLE HARDMAN
on behalf of herself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

KAYLE HARDMAN, an individual on
behalf of herself and others similarly situated,

Plaintiff,

vs.

OJAI VALLEY ASSISTED LIVING LLC
dba THE ARTESIAN OF OJAI, a California
Limited Liability Company; MICHAEL
WEYRICK, an individual; MIKE ONEILL,
an individual; AMBER WINTERSTEIN, an
individual; W&J INVESTMENTS, LLC, a
California Limited Liability Company; W&J
MANAGEMENT GROUP, LLC, a
California Limited Liability Company; and
DOES 1 to 100, inclusive,

Defendants.

Case No.: 56-2022-00568891-CU-OE-VTA

Assigned for all purposes to Dept. 40

Hon. Mark S. Borrell

CLASS ACTION

**DECLARATION OF SHANE C. STAFFORD
RE: DISMISSAL OF CLASS
ALLEGATIONS WITHOUT PREJUDICE
PURSUANT TO CALIFORNIA RULE OF
COURT 3.770**

Dept: 40

Complaint Filed: August 5, 2022
TAC Filed April 8, 2025
Trial Date: None Set

DECLARATION OF SHANE C. STAFFORD

I, Shane C. Stafford, declare:

1. I am an attorney licensed to practice before all courts of the State of California. I am a partner at Shanberg Stafford LLP, counsel for Plaintiff Kayle Hardman (“Plaintiff”) herein. I have personal knowledge of the facts herein. If called as a witness, I could and would competently testify to those facts under oath.

2. I am submitting this Declaration pursuant to California Rule of Court 3.770(a) regarding dismissing the class action allegations in this case without prejudice.

3. Plaintiff filed a wage and hour class and PAGA action case against Defendant The Artesian on August 5, 2022. Plaintiff, on behalf of herself and all other aggrieved current and former employees, alleged violations of California Labor Code §§ 201-203, 226, 226.7, 510, 512, 1194, 2802, and Business & Professions Code §17200, all applicable Industrial Welfare Commission (IWC) Wage Orders, and California Private Attorneys General Act (Labor Code § 2699, et seq.).

4. On or about August 9, 2022, Plaintiff Hardman provided written notice to the Labor and Workforce Development Agency (“LWDA”) and Defendants of the specific provisions of the Labor Code alleged to have been violated, including the facts and theories to support the alleged violations, pursuant to PAGA. After 65 days from the service of the LWDA letter described above, the LWDA failed to respond to Plaintiff’s correspondence notifying the LWDA of the Labor Code violations committed by Defendants, thereby permitting Plaintiff to pursue claims and penalties against Defendant The Artesian pursuant to Labor Code § 2699. On October 17, 2022, Plaintiff filed a First Amended Complaint adding allegations under the PAGA.

5. On November 2, 2023, Plaintiff filed a Second Amended Complaint (“SAC”) adding Michael Weyrick, Mike O’Neill, and Amber Winterstein as individual Defendants to the case.

6. On April 8, 2025, Plaintiff filed a Third Amended Complaint (“TAC”) adding W&J Investments, LLC and W&J Management Group, LLC as defendants to the case. The TAC is the operative pleading in this case.

7. During the pendency of this action Defendant’s representatives met with then current employees and had many sign release agreements and/or opt out of the lawsuit through

1 arbitration agreements and other means. As a result of several employees signing these
2 agreements, the potential class size was dramatically reduced.

3 8. Moreover, Defendants repeatedly claimed they were financially distressed and
4 would not be able to fund a class settlement. My office conducted extensive due diligence
5 regarding Defendant's claims of financial hardship. In support of these claims, Defendants
6 produced thousands of pages of financial records, including several years of bank statements, tax
7 returns, credit card statements, loan documents, investor data, corporate records, consolidated
8 financial reports, property records, title reports, balance sheets, and profit and loss statements
9 demonstrating the severe economic distress of the corporate entities. After reviewing this
10 financial data, as well as numerous arbitration agreements and release agreements Defendants
11 obtained from current and former employees, Plaintiff's counsel determined it was in the best
12 interests of putative class members to dismiss the class claims without prejudice and to focus this
13 settlement on PAGA penalties. Accordingly, none of the aggrieved employees are releasing
14 their underlying wage and hour claims; the PAGA settlement will solely be for PAGA penalties.

15 9. Plaintiff has determined it is in the best interests of the parties and the putative
16 class members to dismiss the class allegations in this case without prejudice at this time, thereby
17 allowing any of the putative class members to pursue their own wage and hour claims if they
18 choose to do so.

19 10. I hereby request, pursuant to California Rules of Court Rule 3.770(a), that the
20 Court dismiss without prejudice the class action allegations in Plaintiff's Complaint.

21 11. No class has been certified in this case.

22 12. Plaintiff has not received any compensation from Defendants in order to request
23 this Dismissal. Since the dismissal is without prejudice, putative class member claims, if any,
24 are not waived or released.

25 13. Good cause exists for the Court to grant this request.

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

28 Dated: October 24, 2025

SHANBERG STAFFORD LLP

By: /s/ Shane C. Stafford/s/

Shane C. Stafford

