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9 *Attorneys for Plaintiffs*

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**
13

14 TYRONE WILLS and ROOSEVELT
MONK, on behalf of themselves, and all
15 persons similarly situated,

16 Plaintiffs,

17 v.

18 GOOD GUARD SECURITY, INC., a
19 California corporation; HALMAND
TABIBZADA, an Individual; and DOES
20 1 to 10 inclusive,

21 Defendants.
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Case No. 22STCV36024

[Assigned to Hon. Maren Nelson, Dept. 17]

CLASS & REPRESENTATIVE ACTION

**DECLARATION OF R. CRAIG CLARK
IN SUPPORT OF PLAINTIFFS'
REQUEST FOR DISMISSAL OF CLASS
AND PAGA CLAIMS WITHOUT
PREJUDICE PURSUANT TO
CALIFORNIA RULES OF COURT,
RULE 3.770**

*[Filed and served concurrently with
Plaintiff's Request for Dismissal of Class
Claims Without Prejudice Pursuant to
California Rules of Court, Rule 3.770 and
[Proposed] Order Granting Plaintiffs'
Request for Dismissal of Class and PAGA
Claims Without Prejudice Pursuant to
California Rules of Court, Rule 3.770]*

1 I, R. Craig Clark, declare as follows:

2 1. I am an attorney admitted and licensed to practice law in the state of California. I
3 am the principal attorney at Clark Law Group and one of the attorneys of record for Plaintiffs
4 Tyrone Wills and Roosevelt Monk (“Plaintiffs”) in the above-entitled matter. I have personal
5 knowledge of the facts stated herein.

6 2. This declaration is filed pursuant to the California Rules of Court, Rule 3.770(a),
7 in support of Plaintiffs’ request for dismissal of the class and PAGA claims asserted in their
8 Operative Complaint, filed on or about June 2, 2023, without prejudice, against defendants Good
9 Guard Security, Inc. and Halmand Tabibzada (collectively, “Defendants” or “Good Guard
10 Security”).

11 **Procedural History**

12 3. On or about November 4, 2022, a letter was uploaded to the California Labor and
13 Workforce Development Agency (“LWDA”) giving notice of Plaintiff Wills’ claims pursuant to
14 the Private Attorneys General Act of 2004 (“PAGA”). A copy of the letter was also sent via
15 certified mail to Defendants’ respective agents for service of process. *See* Operative Complaint
16 on file.

17 4. On or about November 14, 2022, Plaintiff filed a putative class action on behalf of
18 himself and others similarly situated in the above-entitled Court.

19 5. On June 2, 2023, Plaintiffs Tyrone Wills and Roosevelt Monk filed a First
20 Amended Complaint, which is the Operative Complaint in this case. The Complaint asserted
21 the following class and representative claims: (1) failure to timely pay minimum wages, overtime
22 and/or double time compensation (Labor Code §§ 204, 210, 226.2 510, 1194, 1197, 1197.1,
23 1198, and 1199), (2) failure to provide legally compliant meal periods or compensation in lieu
24 thereof (Labor Code §§ 204, 226.7 and 512), (3) failure to provide legally compliant rest periods
25 or compensation in lieu thereof (Labor Code §§ 204 and 226.7), (4) failure to pay all wages owed
26 upon separation (Labor Code §§ 201, 202 and 203); (5) failure to provide paid sick leave (Labor
27 Code § 246); (6) failure to furnish accurate itemized wage statements (Labor Code §§ 226 and
28 226.3); (7) failure to maintain accurate records (Labor Code §§ 226(a) and 1174); (8) failure to

1 provide copies of signed documents (Labor Code § 432); (9) failure to reimburse for necessary
2 work expenses (Labor Code §§ 2800 and 2802), (10) unfair business practices (Business &
3 Professions Code §§ 17200 *et seq.*), and (11) Private Attorneys General Act of 2004 (Labor Code
4 §§ 2698 *et. seq.*).

5 **Plaintiffs' Request for Dismissal of Class Claims**

6 6. My Firm has been informed by the attorney representing Defendants that both
7 Plaintiffs settled their claims individually with Defendants without our Firm's involvement. I
8 believe Plaintiffs are no longer adequate class representatives and therefore request to dismiss
9 class and PAGA claims without prejudice.

10 7. It is highly unlikely that any putative class member relied on the filing of this
11 action. For example, I am unaware of any publicity of this action. Additionally, to the best of my
12 knowledge, neither the Court nor any party or counsel has issued notice of this action to putative
13 class members. Furthermore, my office has not been in contact with or has been contacted by
14 any putative class member.

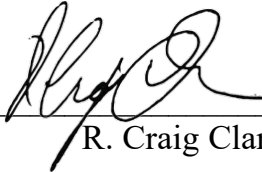
15 8. Putative class members will not be prejudiced by the dismissal of the class claims.
16 Plaintiff seeks dismissal of the class claims without prejudice, which will not result in a *res*
17 *judicata* ruling against other absent class members who may subsequently decide to bring the
18 same and/or similar claims against Defendants. Additionally, because the statute of limitations
19 was tolled for the nine months that this action has been pending the statute of limitations on the
20 claims of putative class members will not be largely affected. In fact, dismissal without prejudice
21 would permit putative class members to file their own actions in the future as they see fit.

22 9. Moreover, since no class has been certified in the above-entitled matter and
23 judgment has not been entered, Plaintiffs' dismissal of the class claims without prejudice has no
24 *res judicata* effect on the putative class, and as such, notice to the putative class members is not
25 necessary.

26 10. No consideration was given for the dismissal. Class Counsel, and the Class, has
27 not and will not receive any compensation or other consideration from Defendants or any other
28 person for this voluntary dismissal of the class and PAGA claims without prejudice in the above-

1 entitled matter. Accordingly, Plaintiffs request that the entire action be dismissed, including all
2 class and PAGA claims alleged in the Operative Complaint, without prejudice.

3
4 I declare under penalty of perjury under the laws of the state of California that the
5 foregoing is true and correct and that this declaration was executed on this 23rd day of August
6 2023 in San Diego, California.

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9 R. Craig Clark
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