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Attorneys for Plaintiff JORGE VIDAL on
behalf of himself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding Special Title
(Rule 3.550)

Judicial Council Coordination Proceeding No.:
JCCP 4789

EXPRESS MESSENGER SYSTEMS WAGE
AND HOUR CASES

Hon. Kenneth R. Freeman
Dept.:14

Included Actions:

Vidal v. Subcontracting Concepts, Inc., et al.
Los Angeles County Superior Court No.
BC524083

**AMENDED PLAINTIFF'S REQUEST FOR
DISMISSAL OF REPRESENTATIVE
CLAIMS; DECLARATION OF ROMAN
SHKODNIK IN SUPPORT THEREOF;
[PROPOSED] ORDER**

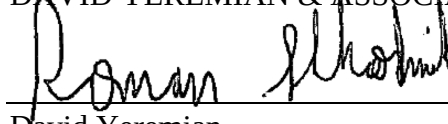
1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Plaintiff JORGE VIDAL ("Plaintiff") hereby requests that the above-titled action be
3 dismissed with prejudice solely as to Plaintiff's individual claims alleged in his current operative
4 complaint, but the said dismissal is to be without prejudice and not having any effect, whatsoever,
5 as to any other claims (specifically including but not limited to any Private Attorneys General Act
6 penalties pursuant to Labor Code § 2699 ("PAGA")) claims asserted in any other action included
7 in the above-referenced coordinated proceedings.

8 Defendant SUBCONTRACTING CONCEPTS, LLC, dba SCI, a Delaware corporation
9 and ONTRAC, an entity of unknown form (collectively "Defendants") do not oppose this Request
10 for Dismissal.

11 Dated: August 20, 2018

DAVID YEREMIAN & ASSOCIATES, INC.

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13 _____

David Yeremian

Roman Shkodnik

14 Attorneys for Plaintiff JORGE VIDAL, on behalf of
15 himself and all others similarly situated
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AMENDED DECLARATION OF ROMAN SHKODNIK

I, Roman Shkodnik, declare:

1. I am an associate attorney of David Yeremian & Associates, Inc., attorney of record for Plaintiff JORGE VIDAL ("Plaintiff") in this action. 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. Plaintiff commenced this class action against Defendant SUBCONTRACTING CONCEPTS, LLC, dba SCI, a Delaware corporation and ONTRAC, an entity of unknown form (collectively "Defendants"), on October 4, 2013. The operative complaint alleged causes of action on behalf of all nonexempt employees for failure to pay Minimum Wage, failure to pay wages and overtime under Labor Code § 510, meal-period liability under Labor Code § 226.7, rest-break liability under Labor Code § 226.7, reimbursement of necessary expenditures under Labor Code § 2802, violation of Labor Code § 221, violation of Labor Code § 226(a), violation of Labor Code §§ 203, and violation of Business & Professions Code § 17200. On March 6, 2014, Plaintiff filed a first amended complaint adding Labor Code Private Attorney General Act penalties pursuant to Labor Code § 2699 ("PAGA"). On June 1, 2015, Defendants filed a motion to compel arbitration and On August 21, 2015, the Court dismissed without prejudice Plaintiff's class claims and stayed Plaintiff's PAGA claim pending resolution of Plaintiff's arbitrable claims.

3. The parties pursued settlement discussions and reached a settlement agreement. In light of the foregoing, Plaintiff chose to pursue settlement of his individual claims and no longer desired to serve as the class representative.

4. The parties then agreed to pursue a settlement of Plaintiff's individual wage claims. Plaintiff's counsel estimated his individual damages to be valued at over \$50,000.00. However, the parties were successfully able to compromise and settle Plaintiff's claims in this action for \$24,000.00 in exchange for the dismissal of Plaintiff's individual claims with prejudice, and not having any effect, whatsoever, as to any other claims (specifically including but not limited to any PAGA claims) asserted in any other action included in the above-referenced coordinated proceedings. There is no other compensation of any kind being paid pursuant to the settlement.

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5. Attorney's fees payable from this settlement amount to our office in no way undermined our fiduciary duties to the putative class or Aggrieved Employees. Defendants have not offered, nor has Plaintiff received, any direct or indirect consideration for Plaintiff to dismiss the representative claim.

6. On August 20, 2018 Plaintiff's counsel submitted notice of Plaintiff's request for dismissal of the representative claims. Exhibit 1 is a true and correct copy of the notice to the California Labor Workforce and Development Agency of Plaintiff's request for dismissal of the representative claims sent on August 20, 2018.

7. Plaintiff has not served notice on the Aggrieved Employees and Plaintiff's counsel is unaware of anyone who has relied upon the existence of this action in lieu of pursuit of their individual or representative claims against Defendants. The dismissal of Plaintiff's individual claims with prejudice will not result in prejudice to any of the Aggrieved Employees.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed this 20th day of August, 2018, at Glendale, California.

Roman Shkodnik

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 Coordination Proceeding Special Title
11 (Rule 3.550)

Judicial Council Coordination Proceeding No.:
JCCP 4789

12 EXPRESS MESSENGER SYSTEMS
13 WAGE AND HOUR CASES

Hon. Kenneth R. Freeman
Dept.:14

14 Included Actions:

**AMENDED [PROPOSED] ORDER RE:
DISMISSAL OF CLASS AND
REPRESENTATIVE CLAIMS**

15 *Vidal v. Subcontracting Concepts, Inc., et al.*
16 Los Angeles County Superior Court No.
BC524083

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18 Based on Plaintiff Jorge Vidal's Request for Dismissal and the Declaration of Roman
19 Shkodnik in support thereof, the Court orders the above-titled action dismissed with prejudice as
20 to Plaintiff's individual claims alleged in his current operative complaint, but the said dismissal is
21 to be without prejudice and not having any effect, whatsoever, as to any other claims (specifically
22 including but not limited to any Private Attorneys General Act penalties pursuant to Labor Code §
23 2699 ("PAGA")) claims asserted in any other action included in the above-referenced coordinated
24 proceedings.

25 **IT IS SO ORDERED.**

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27 Dated: _____

HON. KENNETH R. FREEMAN JUDGE OF THE
SUPERIOR COURT

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I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 535 N. Brand, Blvd. Suite 705, Glendale CA 91203.

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[] **(BY MAIL)** I placed such envelope with postage thereon fully paid in the United States mail at Glendale, California. I am "readily familiar" with this firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

[] **(BY PERSONAL SERVICE)** I personally delivered said envelope to the office of the person and address identified on the attached service list.

1 **[X] (BY ELECTRONIC SERVICE VIA CASE ANYWHERE)** Based on a court order, I
2 caused the above-entitled document(s) to be served through Case Anywhere at
3 www.caseanywhere.com addressed to all parties appearing on the electronic service list for the
4 above-entitled case. The service transmission was reported as complete and a copy of the Case
5 Anywhere Filing Receipt Page/Confirmation will be filed, deposited, or maintained with the
6 original document(s) in this office.

7 **[] (BY FACSIMILE)** On _____ before 5:00 p.m., I transmitted such documents
8 from our facsimile machine number (818) 230-0308 to the person(s) at the facsimile numbers
9 listed on the attached service list. Said transmission was reported as complete and without error.
10 A copy of the transmission report which was properly issued by the transmitting facsimile
11 machine is attached hereto.

12 **[X] (STATE)** I certify (or declare) under penalty of perjury under the laws of the State of
13 California that the foregoing is true and correct.

14 Executed on August 20, 2018, at Glendale, California.

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16 Natalia Bermudes
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