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Attorneys for Plaintiff,
MATTHEW ALBRIGHT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MATTHEW ALBRIGHT, an individual, and
on behalf of all aggrieved employees

Plaintiff,

vs.

AVIGNONE’S 7117, LLC, a California
corporation; JORDAN A. NEDEFF, an
individual; TAMMI JEAN CHASE, an
individual; MICHAEL DAVID WRIGHT, an
individual; JASON CASE FILARDI, an
individual; PETER ANDREW FILARDI, an
individual; and DOES 1 through 50 inclusive

Defendants.

Case No. 23STCV04940

Hon. Armen Tamzarian, Dept. 52

**REQUEST FOR DISMISSAL OF PAGA
ACTION WITHOUT PREJUDICE AND
NOTICE OF CONDITIONAL
SETTLEMENT OF REMAINING
INDIVIDUAL CLAIMS**

(Submitted with Proposed Order)

Complaint filed: March 6, 2023
Trial Date: July 24, 2024

WHEREAS, Plaintiff MATTHEW ALBRIGHT (“Plaintiff”) filed his Complaint in this action
against AVIGNONE’S 7117, LLC, a California corporation; JORDAN A. NEDEFF, an individual;

1 TAMMI JEAN CHASE, an individual; MICHAEL DAVID WRIGHT, an individual; JASON CASE
2 FILARDI, an individual; and PETER ANDREW FILARDI, an individual (“Defendants”) on March
3 6, 2023, alleging individual claims for violations of the Labor Code; and

4 WHEREAS Plaintiff, in his Eleventh Cause of Action, alleged claims for violations of the
5 Labor Code on behalf of all aggrieved employees under the Private Attorneys General Act (“PAGA”)
6 (Lab. Code, § 2698 et seq.); and

7 WHEREAS, Plaintiff estimates that there only a total of seven potentially aggrieved
8 employees, as Defendants operated a small “dive” bar, with long term employees; and

9 WHEREAS, Defendants provided, through informal discovery, financial records, including
10 tax returns showing that Defendants’ business is in dire financial straits and that trying this case for
11 PAGA penalties on behalf of the seven estimated potentially aggrieved employees would be
12 economically unfeasible; and

13 WHEREAS, as a result of protracted negotiations, the parties have entered into a settlement
14 agreement under which the parties have agreed to the dismissal of Plaintiff’s PAGA claims **without**
15 **prejudice**; and

16 WHEREAS, no notice of this action has been given to any aggrieved employee; and

17 WHEREAS, notice of this Request has been forwarded to the Labor and Workforce
18 Development Agency (LWDA).

19 WHEREAS, pursuant to the settlement agreement between the parties, Plaintiff intends to file
20 a Request for Dismissal of all remaining individual claims within 45 days.

21 NOW THEREFORE, Plaintiff respectfully requests that the Court dismiss the Eleventh Cause
22 of Action of Plaintiff’s March 6, 2023 Complaint, for claims under the Private Attorneys General Act
23 (“PAGA”) (Lab. Code, § 2698 et seq.), **without prejudice**.

24 Plaintiff further respectfully requests that the Court set an Order to Show Cause Hearing RE:
25 Dismissal of Plaintiff’s Remaining Individual Claims within 60 days of this filing.

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2 Dated: March 12, 2024

THE LAW OFFICES OF DAVID R. GREIFINGER

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4 By: 
5 DAVID R. GREIFINGER
6 CALVIN A. MARSHALL
7 *Attorneys for Plaintiff MATTHEW*
8 *ALBRIGHT*
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within lawsuit; my business address is 15515 W. Sunset Boulevard, Unit 214, Pacific Palisades, CA 90272.

On **March 12, 2024**, I served the foregoing document described as **REQUEST FOR DISMISSAL OF PAGA ACTION WITHOUT PREJUDICE AND NOTICE OF CONDITIONAL SETTLEMENT OF REMAINING INDIVIDUAL CLAIMS** on the interested parties in this action by transmitting a true copy thereof to:

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Labor and Workforce Development
Agency
(By Posting on the LWDA PAGA Website)

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Attorneys for Defendants Jordan Nedeff and Avignone's 7117, LLC

☒ (BY E-MAIL): I hereby certify that this document was served from Los Angeles County, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

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

Executed on **March 12, 2024**, at Los Angeles County, California.

Calvin A. Marshall, Esq.

Type or Print Name



Signature