

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Ryan Glover, on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

RYAN GLOVER, on behalf of himself and all
“aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

WATCHMEN, INC., a California corporation,
d/b/a WATCHMEN PATROL, and DOES 1
through 10, inclusive,

Defendants.

Case No. CIVSB2307197

Assigned to the Hon. Winston Keh, Dept. VII

**DECLARATION OF DANIEL F. GAINES
IN SUPPORT OF REQUEST FOR
DISMISSAL**

[Filed Concurrently: Request for Dismissal]

Complaint Filed: March 28, 2023

1 I, Daniel F. Gaines, declare as follows:

2 1. I am an attorney duly admitted to practice law in the State of California and I am a
3 managing shareholder at Gaines & Gaines, APLC, counsel of record for Plaintiff Ryan Glover
4 (“Plaintiff”) in this matter. The matters set forth herein are of my own personal knowledge, and if
5 sworn as a witness, I could and would testify competently thereto.

6 2. On March 28, 2023, Plaintiff filed the instant Action seeking penalties on a
7 representative basis, on behalf of himself and all “aggrieved employees,” for Defendant
8 WATCHMEN INC. dba WATCHMEN PATROL’s (“Defendant”) violations of California Labor
9 Code’s Private Attorneys General Act of 2004 (“PAGA”), codified as § 2698, *et seq.*, by failing to
10 pay all minimum and overtime wages due, failing to provide meal and rest periods, or compensation
11 in lieu thereof, failing to issue complete and accurate wage statements, and failing to timely pay all
12 wages due at separation of employment. The alleged violations occurred when Plaintiff worked for
13 Defendant in San Bernardino County, California.

14 3. Following conversations with Defendant’s counsel, my office has ascertained that
15 Plaintiff’s claims are quite individual. Furthermore, liability is disputed, and Defendant is having
16 financial hardship confirmed by information shared confidentiality during settlement negotiations.

17 4. The Parties have negotiated a settlement of Plaintiff’s individual claims only, and the
18 PAGA representative claims will be dismissed without prejudice, as set forth in the concurrently-filed
19 request for dismissal. The Parties entered into a Confidential Settlement Agreement and Release of
20 Claims (the “Settlement Agreement”).¹

21 5. The settlement does not contemplate the waiver of any claims by anyone other than
22 Plaintiff and does not provide for the waiver of PAGA representative claims asserted on behalf of any
23 employee or the State, such that there is no allocation of civil penalties in the Settlement.

24 6. Plaintiff, therefore, requests that the Court enter a dismissal of this action ***with***
25 ***prejudice*** as to Plaintiff’s individual claims and ***without prejudice*** as to the PAGA representative
26 claims, pursuant to the request submitted concurrently herewith.

27
28 ¹ If the Court wishes to see a copy the Settlement Agreement, Plaintiff’s Counsel will provide it for
the Court’s *in camera* review.

7. Concurrent with the filing of this declaration and the request for dismissal, Plaintiff has submitted the Settlement Agreement to the LWDA in compliance with Labor Code section 2699(1)(2).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on June 11, 2024, at Westlake Village, California.


DANIEL F. GAINES

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 within action; my business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On June 11, 2024, I served the foregoing document described as **DECLARATION OF DANIEL F. GAINES**
6 **IN SUPPORT OF REQUEST FOR DISMISSAL** on the interested parties in this action by placing a true copy thereof
7 enclosed in sealed envelopes addressed as follows:

8 **Jamie R. Gross, Esq.- jgross@fisherphillips.com**
9 **Lauren Bushman, Esq.- lbushman@fisherphillips.com**
10 **Michael Lynn, Esq.- mfilio@fisherphillips.com**
11 **FISHER & PHILLIPS LLP**
12 **4747 Executive Drive, Suite 1000**
13 **San Diego, California 92121**
14 **Cc: aford@fisherphillips.com**

15 _____ (BY ☐ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
16 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection
17 and processing correspondence for mailing. It is deposited with United States postal service on that same
18 day in the ordinary course of business. I am aware that on motion of party served, service is presumed
19 invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
20 mailing in affidavit.

21 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
22 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an
23 authorized carrier or driver authorized by the express carrier to receive documents.

24 X (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
25 transmission on the counsel of record listed above.

26 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the Labor
27 & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov)
28 in accordance with the procedure imposed by the LWDA.

I certify that the above document was printed on recycled paper.

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

Executed on June 11, 2024, at Westlake Village, California.

22 
23 _____
24 AMELIA BOOTH