

1 Brandon Brouillette (SBN 273156)
bbrouillette@crosnerlegal.com
2 Zachary M. Crosner (SBN 272295)
zach@crosnerlegal.com
3 **CROSNER LEGAL, PC**
9440 Santa Monica Blvd., Suite 301
Beverly Hills, CA 90210
4 Tel: 1-866-276-7637
Fax: 310-510-6429
5 Attorneys for Plaintiff CYNTHIA MACIAS

6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF ORANGE**

9 CYNTHIA MACIAS, as an individual on behalf
10 of herself and on behalf of all others similarly
situated,

11 Plaintiff,

12 v.

13 1736 FAMILY CRISIS CENTER, a California
Nonprofit Corporation; and DOES 1-100,
inclusive,

14 Defendants.

Case No. 30-2023-01311143-CU-OE-CXC
*Assigned for all purposes to the Hon. Layne H.
Melzer; Dept. CX102*

**PLAINTIFF'S REQUEST FOR DISMISSAL
OF ENTIRE ACTION PURSUANT TO RULE
3.770; [PROPOSED] ORDER**

[Labor Code Section 2699(1)(2)]

[Filed concurrently with Declaration of Brandon
Brouillette]

Action Filed: March 8, 2023
FAC Filed: June 7, 2023
Trial Date: None Set

1 1. INTRODUCTION

2 Pursuant to California Rules of Court, Rule 3.770, and Labor Code section 2699(1)(2), Plaintiff
3 Cynthia Macias requests dismissal of this entire action with prejudice as to Plaintiff's individual claims
4 and *without prejudice* as to the claims of other putative class members and aggrieved employees. Plaintiff
5 and Defendant 1736 Family Crisis Center have entered into a settlement agreement to resolves Plaintiff's
6 claims on an individual basis.

7 2. BACKGROUND

8 On March 8, 2023, Plaintiff filed a wage and hour class action complaint against Defendant in
9 the above-captioned court, Case No. 24STCV05924. On June 7, 2023, Plaintiff filed a First Amended
10 Class Complaint adding an additional cause of action for violations of the Private Attorneys' General
11 Act ("PAGA"), Lab. Code § 2698, *et seq.* See Declaration of Brandon Brouillette ("Brou. Decl."), ¶ 2.

12 On October 31, 2023, the Parties agreed to participate in an early mediation with neutral Gig
13 Kyriacou of Kyriacou Mediation on May 21, 2024. However, Defendant canceled the mediation and it
14 never took place. Thereafter, the Parties had direct discussions regarding Defendant's sources of
15 available funding as a non-profit that operates off of donations and government grants, which would
16 preclude Defendant from having meaningful settlement discussions for a classwide or PAGA
17 settlement. Based on the information shared from Defendant, Plaintiff determined that pursuing a class
18 settlement and/or judgment was not viable, and decided to resolve the action on an individual basis.
19 Brou. Decl., ¶ 3.

20 3. LEGAL STANDARD

21 Pursuant to California Rules of Court, Rule 3.770(a), "[a] dismissal of an entire class action, or of
any party of cause of action in a class action, requires court approval." Cal. R. Ct. 3.770(a). A request for
dismissal in a class action requires the submission of a supporting declaration setting forth the facts on
which the party relies. *Id.* The declaration must state whether consideration, direct or indirect, is being
given for the dismissal. *Id.* Where the Court has not ruled on class certification, the action may be
dismissed without notice to the potential class members if the Court finds the dismissal will not prejudice
them. Cal. R. Ct. 3.770(c). The Court may grant the request without a hearing. Cal. R. Ct. 3.770(b).

1 4. CONSIDERATION RECEIVED BY PLAINTIFF

2 The total compensation provided to Plaintiff Macias (\$30,000.00) is a reasonable amount for
3 the value of her individual claims, agreement to enter into a general release of all known and unknown
4 claims, and attorneys' fees and costs expended to date. Indeed, the total compensation provided
5 represents a discount on Plaintiff's attorneys' fees and costs alone. reaching an individual settlement,
6 no consideration, direct or indirect, has been or will be given for the dismissal of the class claims.
Brou. Decl., ¶ 4.

7 5. NOTICE TO THE CLASS IS NOT REQUIRED

8 The Court need not order the parties to disseminate notice of dismissal because the typical
9 reasons for notifying absent class members are not present here. Plaintiff has not moved for class
10 certification, no unnamed class members have been notified of this action, and Plaintiff's counsel is
11 unaware of any putative class members who have refrained from bringing a similar claim in reliance on
12 the existence of this action. Therefore, the putative class members do not need to receive notice of this
dismissal. Because there is no prejudice to the putative class, notice of dismissal to these putative class
members is not required. Cal. R. Ct. Rule 3.770(c). Brou. Decl., ¶ 5.

13 6. CONCLUSION

14 Based on the foregoing, Plaintiff hereby respectfully requests that this Court enter an order
15 dismissing the entire action against Defendant with prejudice to Plaintiff's individual claims and without
16 prejudice as to the claims of putative class members and other aggrieved employees pursuant to California
Rule of Court 3.770.

17 Dated: June 20, 2025

CROSNER LEGAL, PC

18
19 By: 

Brandon Brouillette
Attorneys for Plaintiff,
CYNTHIA MACIAS

1
2 **[PROPOSED] ORDER**

3 The Court, having reviewed Plaintiff Cynthia Macias's Request for Dismissal of Entire Action
4 pursuant to Rule 3.770 and Labor Code section 2699(1)(2), the supporting Declaration of Brandon
5 Brouillette, and finding that GOOD CAUSE has been shown to dismiss the putative class action
6 allegations in compliance with Rule 3.770, hereby ORDERS that the above-captioned action is
7 dismissed in its entirety without hearing. The dismissal will be *with prejudice* as to Plaintiff Cynthia
8 Macias who has reached a settlement as to her individual claims only, and *without prejudice* as to the
9 claims of putative class members and other aggrieved employees.

10 **IT IS SO ORDERED.**

11 Dated: _____

Judge of the Superior Court

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PROOF OF SERVICE

Cynthia Macias v. 1736 Family Crisis Center
Superior Court County of Orange Case No. 30-2023-01311143-CU-OE-CXC

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 9440 Santa Monica Blvd., Ste. 301, Beverly Hills, CA 90210.

On June 20, 2025, I served true copies of the following document(s) described as

PLAINTIFF'S REQUEST FOR DISMISSAL OF ENTIRE ACTION PURUSANT TO RULE 3.770; [PROPOSED] ORDER

on the interested parties in this action as follows:

Elizabeth A. Skane, Esq. (SBN 187752) Attorneys for Defendant 1736 FAMILY CRISIS
Joel P. Glaser, Esq. (SBN 194442) CENTER
SKANE MILLS LLP
550 South Hope Street, Suite 410
Emails: eskane@skanemills.com;
jglaser@skanemills.com;
bevangelista@skanemills.com;
gvalverde@skanemills.com

[X] **BY EMAIL OR ELECTRONIC TRANSMISSION.** Based on an agreement of the parties to accept service by email or electronic transmission, I caused the document(s) to be sent from Jessica@crosnerlegal.com to the person(s) at the email addresses listed in the service list. The email or electronic transmission was sent on the date below.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 20, 2025, in Los Angeles, California.

/s/ Jessica Ball

Jessica Ball