

Mark A. Ozzello (SBN 116595)
Calvin A. Marshall (SBN 318587)
THE OZZELLO PRACTICE, PC
26565 Agoura Road, Suite 200
Calabasas, CA 91302
Telephone: (844) 774-2020
Facsimile: (844) 774-2020
mark@ozzellolaw.com
cmarshall@ozzellolaw.com

David R. Greifinger, Esq. (SBN 105242)
tracklaw@me.com
LAW OFFICES OF DAVID R. GREIFINGER
14016 Bora Bora Way, No. 208
Marina del Rey, CA 90292
Telephone: (310) 437-0728
Facsimile: (831) 920-4864

Attorneys for Plaintiff
MAGDALENA DAHLBACK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MAGDALENA DAHLBACK, an individual,

Plaintiff,

vs.

MACIAS GINI & O'CONNELL LLP, a
California limited liability partnership; and
DOES 1 through 50 inclusive

Defendants.

Case No. 23STCV07142

Hon. Kristin S. Escalante, Dept. SSC 2

**REQUEST FOR DISMISSAL OF PAGA
ACTION WITHOUT PREJUDICE AND
REQUEST FOR DISMISSAL OF
REMAINING INDIVIDUAL CLAIMS
WITH PREJUDICE**

**(Submitted with 1) Declaration; and, 2)
Proposed Order)**

Complaint filed: May 3, 2023

Trial Date: None Set

1
2 WHEREAS, on May 11, 2023, Plaintiff MAGDALENA DAHLBACK (“Plaintiff”) filed her
3 First Amended Complaint For Damages and Injunctive Relief; Enforcement Action Under The
4 Private Attorneys General Act, California Labor Code § 2698, et seq. (“FAC”) as against Defendant
5 MACIAS GINI & O’CONNELL LLP, a California corporation (“Defendant”), alleging individual
6 claims for violations of the Labor Code, as well as an Eighth Cause of Action for violations of the
7 Labor Code on behalf of all aggrieved employees under the Private Attorneys General Act (“PAGA”)
8 (Lab. Code, § 2698 et seq.) (*See*, Declaration of Calvin A. Marshall In Support of Request for
9 Dismissal of PAGA Action (Marshall Decl.) at ¶ 3); and

10 WHEREAS, on January 11, 2024, this Court granted Defendant’s Motion to Compel
11 Arbitration, excepting the representative portion of Plaintiff’s Eighth Cause of Action for PAGA
12 penalties, and stayed that portion of the case that remained before the Court. (*See*, this Court’s Docket
13 (“Dkt.”), January 11, 2024.)

14 WHEREAS, on January 23, 2024, Plaintiff initiated an arbitration of her claims before
15 Judicial Arbitration and Mediation Services, Inc. (Marshall Decl. at ¶ 4);

16 WHEERAS, through the arbitration, it came to light that Plaintiff’s claims were likely unique
17 to her, in that Defendant had made accommodations for Plaintiff to work from home. Additional
18 matters came to light in the arbitration that, in the Parties collective opinion, allowed resolution of
19 Plaintiff’s individual claims, while not prejudicing the rights of other employees who felt aggrieved
20 to proceed on their own behalf with their PAGA claims. In this regard, counsel for Plaintiff came to
21 the opinion that representative PAGA claims were no longer viable. (Marshall Decl. at ¶ 5);

22 WHEREAS, as a result of very protracted negotiations, which included a mediation before
23 Katherine J. Edwards, Esq on July 19, 2024, the parties have entered into a settlement agreement
24 under which the parties have agreed to the dismissal of Plaintiff’s PAGA claims **without prejudice**
(Marshall Decl. at ¶ 6); and

25 WHEREAS, no notice of this action has been given to any aggrieved employee (Marshall
26 Decl. at ¶ 7); and
27
28

1 WHEREAS, notice of this Request has been forwarded to the Labor and Workforce
2 Development Agency (LWDA) (Marshall Decl. at ¶ 8);

3 NOW THEREFORE, Plaintiff MAGDALENA DAHLBACK respectfully requests that the
4 Court dismiss her Eighth Cause of Action, for claims under the Private Attorneys General Act
5 (“PAGA”) (Lab. Code, § 2698 et seq.), **without prejudice**.

6 Plaintiff MAGDALENA DAHLBACK further respectfully requests that the Court dismiss all
7 remaining claims in this matter, with prejudice.

8
9 Dated: May 7, 2025

THE OZZELLO PRACTICE, PC
THE LAW OFFICES OF DAVID R. GREIFINGER

10
11 By: 

12 MARK A. OZZELLO
13 DAVID R. GREIFINGER
14 CALVIN A. MARSHALL
15 *Attorneys for Plaintiff*
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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 26565 Agoura Road, Suite 200 Calabasas, CA 91302.

On **May 7, 2025**, I served the foregoing document described as: **REQUEST FOR DISMISSAL OF PAGA ACTION WITHOUT PREJUDICE AND REQUEST FOR DISMISSAL OF REMAINING INDIVIDUAL CLAIMS WITH PREJUDICE** on the interested parties in this action by placing ☒ a true copy thereof on:

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

Bruce M. Timm
btimm@boutinjones.com
Andrew M. Ducart
aducart@boutinjones.com
Rachel D. Busch
rbusch@boutinjones.com
BOUTIN JONES Inc.
555 Capitol Mall, Suite 1500
Sacramento, CA 95814
Tel: (916) 321-4444
Fax: (916) 441-7597

*Attorneys for Defendant,
MACIAS GINI & O'CONNELL LLP*

☐ (BY MAIL): as follows: I deposited the envelopes for mailing in the ordinary course of business at Los Angeles County, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, the sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business, with postage thereon fully prepaid at Los Angeles County, California.

☒ 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 **May 7, 2025**, at Los Angeles County, California.

Calvin A. Marshall, Esq.

Type or Print Name


Signature