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Attorneys for Plaintiffs,
 HAROLDO SANCHEZ

FILED
 Superior Court of California
 County of Los Angeles

03/05/2025

David W. Slayton, Executive Officer / Clerk of Court

By: S. Taylor Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

HAROLDO SANCHEZ, an individual,

 Plaintiff,

v.

THE FLAME BROILER, a business entity of
 unknown form; AUSTIN MAHR, an individual;
 and DOES 1 through 20, inclusive,

 Defendants.

Case No.: 23STCV15388

*Assigned to the Hon. Judge Kerry Bensinger; Dept
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**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER RE: DISMISSAL OF PLAINTIFF'S
 INDIVIDUAL PAGA CLAIMS WITH
 PREJUDICE AND HIS REPRESENTATIVE
 PAGA CLAIMS WITHOUT PREJUDICE**

Action filed: June 30, 2023
 Trial date: vacated

Plaintiff Haroldo Sanchez, an individual ("Plaintiff"), by and through his attorneys of record,
 Law Offices of Ramin R. Younessi, a Professional Law Corporation, and Defendants Mahr Family LLC
 (erroneously sued as The Flame Broiler TRBK) and AUSTIN MAHR (hereinafter collectively referred
 to as "Defendants"), hereby stipulate and agree as follows:

WHEREAS, a settlement in this case was reached on January 17, 2025 pursuant to a mandatory
 settlement conference with volunteer attorneys Kathryn T. McGuigan and Alishan Jadhavji;

WHEREAS, on January 17, 2025, the Parties reached a mutual agreement to resolve
 EMPLOYEE's Claims and agreed that the PAGA Claim should be resolved, without any admission of
 fault or liability, by Court approved dismissal. The Parties reached this Agreement only after extensive
 investigation, and it is contingent on the Court dismissing the PAGA Claims as described herein.

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2 WHEREAS the parties reached an agreement to resolve Plaintiff's individual claims for a
3 confidential amount which does not include any resolution of Plaintiff's Private Attorney General Act
4 ("PAGA") claims.

5 WHEREAS, Plaintiff no longer wishes to pursue the PAGA cause of action.

6 WHEREAS, Plaintiff has not sought the express consent of other aggrieved employees to pursue
7 this lawsuit on their behalf.

8 WHEREAS, Plaintiff has not given other aggrieved employees the opportunity to opt-out of
9 Plaintiff's representation in this matter.

10 WHEREAS, this stipulation to dismiss the PAGA claims shall be served to the California Labor
11 Workforce ("LWDA") at the same time that it is submitted to this Court.

12 WHEREAS, this Court may determine that the rights of other aggrieved employees will not be
13 prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff prosecutes the
14 action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf of
15 the similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of the
16 Labor Commission; the similarly-aggrieved employees have no private right of action in those penalties
17 and no entitlement to them. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th
18 635, 650¹ ["In PAGA, the Legislature created an enforcement mechanism for aggrieved employees to
19 file representative actions to recover penalties in cases in which there is no private cause of action as an
20 alternative to enforcement by the Labor Commissioner"]; *Arias v. Superior Court* (2009) 46 Cal.4th
21 969, 980–987, 95 Cal.Rptr.3d 588, 209 P.3d 923 [PAGA suit is a representative action and need not be
22 brought as a class action]. *Second*, there has been no discovery as to the identities of other aggrieved
23 employees, nor has notice of this action been provided to other aggrieved employees. Thus, the parties
24 are not aware of any other aggrieved employees who have any expectations of recovery of any kind in
25 this case, and to the extent any of them wish, in the future, to pursue their own claims, they have the
26 right to do that.

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28 _____
¹ Superseded by statute on unrelated ground.

1 THE PARTIES THEREFORE stipulate and jointly request that the Court dismiss Plaintiff's
2 individual PAGA claim under his sixth cause of action of the complaint for PAGA penalties with
3 prejudice and his representative PAGA claims without prejudice.

4
5 DATED: February 13, 2025

**LAW OFFICES OF RAMIN R. YOUNESSI
A PROFESSIONAL LAW CORPORATION**

6
7 By: Chris Afgani
8 Ramin R. Younessi, Esq.
9 Christopher S. Afgani, Esq.
Attorneys for Plaintiff,
HAROLDO SANCHEZ

10
11
12 DATED: February 14, 2025

ROBINS KAPLAN LLP

13
14 By: Jeri
15 Jason R. Fair, Esq.
16 Luis D. Gomez, Esq.
17 Attorneys for Defendants
AUSTIN MAHR and MAHR FAMILY
18 LLC
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[PROPOSED] ORDER

The Court, having considered the Parties' Joint Stipulation, and all legal authorities in support thereof, and good cause appearing therefore, **HEREBY ORDERS** that Plaintiff's sixth cause of action of the complaint for penalties pursuant to the Private Attorneys General Act ("PAGA") is dismissed with prejudice as to his individual claims and without prejudice as to his representative PAGA claims without prejudice.

IT IS SO ORDERED.

03/05/2025

DATED: _____



A handwritten signature in black ink that reads "Kerry Bensinger".

Kerry Bensinger / Judge

THE HONORABLE KERRY BENSINGER
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 3435 Wilshire Boulevard, Suite 2200, Los Angeles, California 90010.

On February 27, 2025, I served the foregoing document described as **JOINT STIPULATION AND [PROPOSED] ORDER RE: DISMISSAL OF PLAINTIFF'S INDIVIDUAL PAGA CLAIMS WITH PREJUDICE AND HIS REPRESENTATIVE PAGA CLAIMS WITHOUT PREJUDICE** the interested parties in this action as follows:

☒ By emailing true copies addressed to each addressee as follows:

Jason R. Fair, Esq.

Attorneys for Defendants

Tommy H. Du, Esq.

Luis Gomez, Esq.

Lilia Castiglioni

Silvia Green

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California Labor & Workforce Development
Agency

Attn. PAGA Administrator

1515 Clay Street, Ste. 801

Oakland, CA 94612

(VIA ELECTRONIC SERVICE ONLY)

☒ BY ELECTRONIC MAIL: Pursuant to Code of Civil Procedure §§ 1010.6(a)(2), 1010.6(e), and 1013(g), and/or California Rules of Court 2.251(b)(1)-(2), I transmitted a copy of the aforementioned document to each addressee above to the email address(es) indicated.

☒ BY ELECTRONIC SERVICE: Pursuant to SB 836, I electronically filed a copy of the aforementioned document with California Labor & Workforce Development Agency Only.

Executed on February 27, 2025, at Los Angeles, California.

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

Elizabeth Pineda