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PLAINTIFF/PETITIONER: Shannon Velazquez	CASE NUMBER: CV2023-0681
DEFENDANT/RESPONDENT: Refresh Mental Health, et al.	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):

3511 Del Paso Road, Ste 160, PMB 227
Sacramento, CA 95835

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a. ☐ deposited the sealed envelope with the United States Postal Service.
b. ☒ placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*): 2/2/24
b. from (*city and state*): Dixon, California

4. The envelope was addressed and mailed as follows:

- | | |
|--|---|
| <p>a. Name of person served:
Van Dyke Litigation
Street address: 201 Spear Street, Ste 1100
City: San Francisco
State and zip code: CA 94105</p> | <p>c. Name of person served:

Street address:
City:
State and zip code:</p> |
| <p>b. Name of person served:
Seyfarth Shaw LLP
Street address: 560 Mission Street, Ste 3100
City: San Francisco
State and zip code: CA 94105</p> | <p>d. Name of person served:

Street address:
City:
State and zip code:</p> |

☐ Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached _____.

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

Date: 2/2/24

Brenda L. Graham

(TYPE OR PRINT NAME OF DECLARANT)



Brenda L. Graham

(SIGNATURE OF DECLARANT)

FILED
Yolo Superior Court
February 1, 2024
MGallegos

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Attorneys for Plaintiff, Shannon Velazquez

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF YOLO

SHANNON VELAZQUEZ, and Individual,	) CASE NO. CV2023-0681
	)
Plaintiff,	) DECLARATION OF MATTHEW
vs.	) SCHOECH IN SUPPORT OF
	) DISMISSAL OF CLASS
REFRESH MENTAL HEALTH, a Business	) ALLEGATIONS AND PAGA CLAIMS;
Entity of Unknown Form, and DOES 1-100,	) PROPOSED ORDER THEREON
Inclusive,	)
	)
Defendant.	)
_____	) UNLIMITED CIVIL ACTION

I, MATTHEW R. SCHOECH, declare:

1. I am an attorney duly licensed to practice law in the courts of California. I am the attorney of record for Plaintiff's in the above-captioned action. I have personal knowledge of the matters stated herein, and if called upon to testify to their authenticity, I could and would competently do so.
2. The Complaint with class allegations was filed on April 6, 2023.

1 3. An Amended Complaint with class allegations was filed on June 12, 2024, adding
2 a Representative Action for Penalties Pursuant to the Labor Code Private Attorneys General Act
3 of 2004 (Labor Code § 2698, et seq.).

4 4. The litigation is in its very early stages. Neither party has propounded written
5 discovery and no depositions have been taken.

6 5. Plaintiff's complaint contains class allegations and a PAGA claim relating solely
7 to allegation that Defendant, Refresh Mental Health, failed to provide accurate pay stubs.
8 Specifically, Plaintiff alleges that Defendant failed to include the correct legal entities name on her
9 and other potential class members pay stubs.

10 6. Plaintiff also has five causes of action asserted against Defendant with her
11 individual claims: (1) Violation of Labor Code § 1102.5; (2) Wrongful Termination in Violation
12 of Public Policy; (3) Violation of Labor Code § 201 – Waiting Time Penalties; (4) Failure to
13 Provide Personnel File and Payroll Records in Violation of Labor Code §§ 226(B) and 1198.5;
14 and (5) Unfair Business Practices.

15 7. After preliminary discussions with counsel for Defendant, Plaintiff made the
16 decision to settle her individual claims and not pursue this litigation on behalf of the class or
17 aggrieved employees given the risks of being class representative and the duration of litigating a
18 class action and PAGA claim through trial.

19 8. While Plaintiff has agreed to settle her individual claims with Defendant, she is not
20 receiving any compensation for the dismissal of the class claims or PAGA claims as they are being
21 dismissed without prejudice.

22 9. Given that this matter is in its infancy and a lack of prejudice on any potential class
23 members as they can still pursue the claims dismissed without prejudice, good cause exists to
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dismiss the class allegations and PAGA claims.

10. I uploaded this declaration and request for dismissal of the class allegations and PAGA claims to the LWDA website on January 30, 2024, thereby providing them notice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 30, 2024 at Sacramento, California.



MATTHEW R. SCHOECH

ORDER

The Court having considered the above declaration and all other papers filed in this action, **IT IS HEREBY ORDERED:**

The class allegations and PAGA claims are hereby dismissed from this action without prejudice.

Date: February 1, 2024



The Honorable
Timothy L. Fall

<u>SUPERIOR COURT OF CALIFORNIA</u> <u>YOLO COUNTY</u>		FOR COURT USE ONLY
TITLE OF CASE (Abbreviated): Velazquez v. Refresh Mental Health		
ATTORNEY(S) NAME and ADDRESS Matthew R. Schoech, Esq. SCHOECH LAW GROUP, PC 3511 Del Paso Road, Ste 160, PMB 227 Sacramento, CA 95835	TELEPHONE Tel: (916) 569-1940 Fax: (916) 569-1939	
ATTORNEY(S) FOR: Plaintiffs	HEARING: DATE-TIME-DEPT:	CASE NUMBER CV2023-0681

DECLARATION OF SERVICE
[CCP §§ 1013; 1013a; 2015.5]

I, the undersigned, declare: I am, and was at the time of service of the papers herein referred to, over the age of eighteen years, and not a party to the action; I am employed in the County of Sacramento, State of California, within which county the subject mailing occurred. My business address is 3511 Del Paso Road, Ste 160, PMB 227, Sacramento, California 95835. I served the documents named below on the parties in this action as follows:

DOCUMENTS SERVED: Declaration of Matthew Schoech in Support of Dismissal of Class Allegations and PAGA Claims; Proposed Order

SERVED UPON: See attached Service List.

- [] **BY MAIL:** I am readily familiar with the firm's practice for collection and processing documents for mailing with the U.S. Postal Service. I caused such documents to be placed in a sealed envelope, addressed to the person(s) on whom it is to be delivered pursuant to the attached service list, with postage thereon fully prepaid, to be deposited with the United States mail at Sacramento, California that same day in the ordinary course of business. [CCP §1013]
- [] **BY FACSIMILE:** I caused the document(s) described herein to be transmitted from facsimile number (916) 569-1939 to the facsimile number(s) for each party indicated on the attached service list. [CCP §1013(e)]
- [] **BY OVERNIGHT MAIL:** I am readily familiar with the firm's practice for collection and processing of documents for mailing via overnight delivery. I caused such document(s) to be placed in a sealed envelope designated by the overnight service carrier, addressed to the person(s) on whom it is to be served pursuant to the attached service list, and deposited said envelope in a box or other facility regularly maintained by the overnight service carrier with delivery fees paid or provided for. [CCP §1013(c)]
- [X] **BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic service, caused the document(s) described herein to be transmitted to the electronic service addresses for each party indicated on the attached service list. [CCP Section 1010.6]

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on **January 30, 2024**, at Sacramento, California.

Brenda L. Graham

Brenda L. Graham,

Velazquez, v. Refresh Mental Health

Our File No. 2212034

Service List

Updated on January 30, 2024

Glen A, Van Dyke, Esq. Megan DeHerrera, Esq. Van Dyke Litigation & Trial Attorneys, PC 201 Spear Street, Ste 1100 San Francisco, CA 94105 glen@vdlitigation.com megan@vdlitigation.com kelsey@vdlitigation.com (Asst) <i>(electronic service authorized)</i>	Co-Counsel for Plaintiff SHANNON VELAZQUEZ
Bailey K. Bifoss, Esq. Seyfarth Shaw LLP 560 Mission Street, Ste 3100 San Francisco, CA 94105 Tel: 415/397-2823 Fax: 415/397-8549 bbifoss@seyfarth.com mmcathur@seyfarth.com (Asst) <i>(electronic service authorized)</i>	Counsel for Defendant REFRESH MENTAL HEALTH