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Attorneys for Defendants,
GO AMERICA STAFFING SERVICES INC.
AND WORK CITY USA, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER

ANGEL RODRIGUEZ,

Plaintiff,

v.

WORK CITY USA LLC; GO AMERICA
STAFFING SERVICES, INC.; SUMMIT
HOTEL TRS 129, LLC; and DOES 1 to
25, inclusive,

Defendants.

CASE NO.: 30-2023-01346912-CU-OE-CXC
[Unlimited Jurisdiction]

*Assigned for all purposes to the
Honorable Melissa R. McCormick, Department
CX104*

**STIPULATION AND ORDER
FOR DISMISSAL WITHOUT PREJUDICE
OF THE TENTH CAUSE OF ACTION FOR
PRIVATE ATTORNEYS GENERAL
ACT(“PAGA”) CLAIMS**

Complaint Filed: September 5, 2023
Trial Date: None Set

1 **TO THE COURT, ALL INTERESTED PARTIES, AND THEIR COUNSEL OF**
2 **RECORD:**

3 **IT IS HEREBY STIPULATED** and agreed by and between Plaintiff ANGEL
4 RODRIGUEZ (“Plaintiff”) and Defendants GO AMERICA STAFFING SERVICES INC. and
5 WORK CITY USA, LLC (collectively “Defendants”) (Plaintiff and Defendant will collectively
6 be referred to as the “Parties”), by and through their respective counsel of record, that the
7 Parties enter into this Stipulation as follows:

8 WHEREAS, on September 5, 2023, Plaintiff filed a Complaint in the Superior Court of
9 the State of California, County of Orange, Case No. 30-2023-01346912-CU-OE-CXC, entitled
10 *Angel Rodriguez v. Work City USA LLC, et al*, asserting individual claims for (1) failure to pay
11 all wages earned for all hours worked, (2) failure to provide rest breaks, (3) failure to provide
12 meal periods, (4) failure to indemnify, (5) failure to provide accurate itemized wage statements,
13 (6) failure to pay wages when employment ends, (7) failure to pay wages owed every pay
14 period, (8) failure to provide personnel records, (9) failure to provide pay records, (10) civil
15 penalties pursuant to California’s Private Attorneys General Act of 2004 (“PAGA”), (11)
16 retaliation under Labor Code section 1102.5, (12) retaliation under Labor Code Section 6310,
17 (13) negligent hiring, retention, supervision, and training, (14) wrongful constructive discharge
18 in violation of public policy, and (15) unfair competition pursuant to Business & Professions
19 Code § 17200 *et seq.* (the “Action”);

20 WHEREAS, Plaintiff and Defendants reached an agreement to resolve Plaintiff’s
21 individual claims for a confidential amount, which does not include any resolution of Plaintiff’s
22 Private Attorney General Act (“PAGA”) claims;

23 WHEREAS, Plaintiff no longer wishes to pursue the PAGA cause of action;

24 WHEREAS, Plaintiff did not receive any discovery to identify other aggrieved
25 employees or notify other aggrieved employees as to this lawsuit;

26 WHEREAS, Plaintiff has not sought the express consent of other aggrieved employees
27 to pursue this lawsuit on their behalf;

28 WHEREAS, this Stipulation to dismiss the PAGA claim, without prejudice, shall be

1 served to the California Labor and Workforce Development Agency (“LWDA”) after court
2 approval;

3 WHEREAS, this Court may determine that the rights of other aggrieved employees will
4 not be prejudiced for two significant reasons. First, unlike class actions where the class
5 plaintiff prosecutes the action on behalf of the putative class members, Plaintiff did not
6 prosecute the action on behalf of the similarly aggrieved employees. In PAGA claims, the
7 plaintiff employee prosecutes on behalf of the Labor Commissioner, and similarly aggrieved
8 employees have no private right of action in those penalties and no entitlement to them. (*Rope*
9 *v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 650, *superseded by*
10 *statute on unrelated grounds* – “In PAGA, the Legislature created an enforcement mechanism
11 for aggrieved employees to file representative actions to recover penalties in cases in which
12 there is no private cause of action as an alternative to enforcement by the Labor Commissioner;
13 *Arias v. Super. Ct.* (2009) 46 Cal.4th 969, 980-87 – PAGA suit is a representative action and
14 need not be brought as a class action.) Second, there has been no discovery as to the identities
15 of other aggrieved employees, nor has notice of this action been provided to other aggrieved
16 employees. Thus, the Parties are not aware of any other aggrieved employees who have any
17 expectations of recovery of any kind in this case, and to the extent any of them wish, in the
18 future, to pursue their own claims, they have the right to do so.

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THE PARTIES THEREFORE stipulate and jointly request that the Court dismiss Plaintiff's Tenth Cause of Action in the Complaint for PAGA penalties, without prejudice, as to any potentially aggrieved employee, and with prejudice, as to Plaintiff only.

DATE: September 30, 2024

MM LAW, APC

By: /s/ Maralle Messrelian
MARALLE MESSRELIAN
Attorneys for Plaintiff
ANGEL RODRIGUEZ

DATE: September 30, 2024

THE LAW OFFICES OF GEORGE BILAL

By: /s/ George Bilal [authorized on 9/30/2024]
 GEORGE BILAL
 Attorneys for Defendants
 GO AMERICA STAFFING SERVICES INC.
 and WORK CITY USA, LLC

ORDER

The court, having considered the Parties' above Stipulation, the Rodriguez Declaration filed October 1, 2024 (ROA 79) in support thereof, and the Messrelian Declaration filed October 1, 2024 in support thereof (ROA 77), and good cause appearing therefore:

IT IS HEREBY ORDERED that Plaintiff's Tenth Cause of Action under California's Private Attorneys General Act of 2004, Labor Code sections 2699 *et seq.*, is dismissed without prejudice as to any potentially aggrieved employee other than Plaintiff, and with prejudice as to Plaintiff only.

IT IS SO ORDERED.

Dated: October 2, 2024

By:



MELISSA R. MCCORMICK
JUDGE OF THE SUPERIOR COURT