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DAVID H. YAMASAKI, Clerk of the Court

BY: W. CLARK, DEPUTY

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Attorney for Plaintiff,
MARTHA MOREIRA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA,
FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

MARTHA MOREIRA, an individual,

Plaintiff,

v.

SILVERADO SENIOR LIVING
MANAGMENT, INC., a Delaware
corporation; and DOES 1 through 20,
inclusive,

Defendants.

Case No.: 30-2023-01352102-CU-OE-CJC

*Assigned to the Honorable Erick L. Larsh, Dept.
C20*

**JOINT STIPULATION TO DISMISS
INDIVIDUAL CLAIMS WITH PREJUDICE
AND REPRESENTATIVE PAGA CLAIMS
WITHOUT PREJUDICE; ~~PROPOSED~~
ORDER THEREON**

Action filed: September 26, 2023

Trial date: October 20, 2025

Plaintiff Martha Moreira ("Plaintiff"), on behalf of herself, and The State of California Labor & Workforce Development Agency ("LWDA"), through her attorney of record, Setyan Law, APC, and Defendant Silverado Senior Living Management., ("Defendant") through their respective attorneys of record, (Plaintiff and Defendant collectively referred to as the "Parties"), hereby stipulate and agree, as follows:

WHEREAS, Plaintiff Martha Moreira's Complaint was filed on September 26, 2023 (the "Action");

WHEREAS, Plaintiff brought this Action against Defendant alleging the following causes of action: (1) Discrimination In Violation Of Gov't Code §§12940 Et Seq; (2) Retaliation In Violation Of Gov't Code §§12940 Et Seq; (3) Failure To Prevent Discrimination, Harassment And Retaliation In

1 Violation Of Gov't Code §12940(K); (4) Failure To Provide Reasonable Accommodations In Violation
2 Of Gov't Code §§12940 Et Seq.; (5) Failure To Engage In A Good Faith Interactive Process In
3 Violation Of Gov't Code §§12940 Et Seq.; (6) Violation Of The Pregnancy Disability Leave Law
4 (Gov't Code §12945(A); (7) Wrongful Termination In Violation Of Public Policy; (8) Failure To Pay
5 Wages (Cal. Labor Code §§201, 1194); (9) Failure To Provide Meal And Rest Periods (Cal. Labor Code
6 §§226.7, 512); (10) Failure To Provide Itemized Wage And Hour Statements (Cal. Labor Code §§226,
7 Et Seq.); (11) Waiting Time Penalties (Cal. Labor Code §§201-203); (12) Private Attorney General Act
8 (Cal. Labor Code §2699, Et Seq); (13) Unfair Competition (Bus. & Prof. Code §17200 Et Seq.);

9 WHEREAS, Defendant's alleged violations under the California Labor Code, and the derivative
10 claims, serve as the basis for Plaintiff's PAGA cause of action;

11 WHEREAS, Defendant denies that there is any factual or legal basis for the claims in this Action;

12 WHEREAS, the Parties engaged in informal settlement discussions and discovery;

13 WHEREAS, the Parties continued in settlement negotiations through October 2024 and reached a
14 settlement of Plaintiff's individual claims, which includes Plaintiff's agreement to dismiss his individual
15 claims with prejudice;

16 WHEREAS, the Parties agree that Plaintiff's representative PAGA claim is wholly subsumed by the
17 following pending and/or settled cases: *Betancourt v. Silverado* - LASC, Case No. 23STCV14340; *Diaz*
18 *v. Silverado* – OCSC, Case No. 30-2023-01333990-CU-OE-CXC; *Mackson v. Silverado* – LASC, Case
19 No. 24STCV04446; *Rovira v. Silverado Senior Living Management, Inc.*, OCSC Case No. 30-2020-
20 01136565-CU-OE-CXC; *Bonwell v. Silverado Senior Living Management, Inc.*, Santa Clara Superior
21 Court, Case No. 21CV384595.

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

24 WHEREAS, a claim under the California Labor Code Private Attorney General Act of 2004
25 ("PAGA"), California Labor Code §§2699 et seq. was part of the Complaint, wherein Plaintiff sought to
26 recover PAGA penalties on an individual basis and representative basis on behalf of other alleged
27 aggrieved employees;

28 WHEREAS, this stipulation to dismiss the representative PAGA claims without prejudice shall be

1 served to the California Labor Workforce (“LWDA”) after Court approval;

2 WHEREAS, this Court may determine that the rights of other aggrieved employees will not be
3 prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff prosecutes the
4 action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf of the
5 alleged similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of
6 the Labor Commission; the alleged similarly-aggrieved employees have no private right of action in those
7 penalties and no entitlement to them. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220
8 Cal.App.4th 635, 650¹ [“In PAGA, the Legislature created an enforcement mechanism for aggrieved
9 employees to file representative actions to recover penalties in cases in which there is no private cause of
10 action as an alternative to enforcement by the Labor Commissioner”]; *Arias v. Superior Court* (2009) 46
11 Cal.4th 969, 980–987 [PAGA suit is a representative action and need not be brought as a class action].
12 *Second*, there has been no discovery as to the identities of other alleged aggrieved employees, nor has
13 notice of this action been provided to other aggrieved employees. Thus, the parties are not aware of any
14 other alleged aggrieved employees who have any expectations of recovery of any kind in this case, and to
15 the extent any of them wish, in the future, to pursue their own claims, they have the right to do that; and
16 WHEREAS, Defendant has fulfilled its obligations under the parties’ settlement agreement and
17 Plaintiff wishes to dismiss his individual claims with prejudice and his representative PAGA claims
18 without prejudice.

19
20 **NOW, THEREFORE**, the parties stipulate and agree, and good cause having been shown, subject
21 to the Court’s approval, as follows:

- 22 1. Plaintiff agrees to dismiss all individual claims in the Action with prejudice;
23 2. Plaintiff agrees to dismiss his representative claims under the California Labor Code Private
24 Attorney General Act of 2004 (“PAGA”), California Labor Code §§2699 et seq. without
25 prejudice.
26

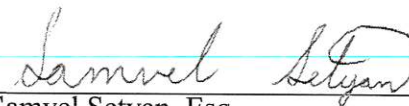
27 **IT IS SO STIPULATED** between the parties.
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¹ Superseded by statute on unrelated ground.

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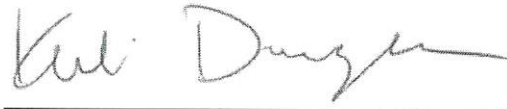
DATED: October 31, 2024

SETYAN LAW, APC.

By: 
Samvel Setyan, Esq.
Attorneys for Plaintiff,
MARTHA MOREIRA

DATED: November 14, 2024

JACKSON LEWIS, P.C.

By: 
Kelli M. Dreger, Esq.
Attorney for Defendant
Silverado Senior Living Management.

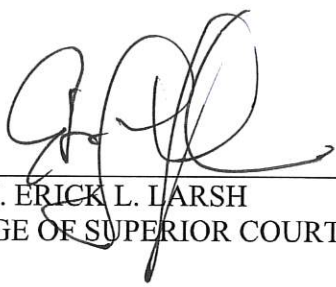
~~PROPOSED~~ ORDER

The Court, having considered the stipulation by the parties requesting the Court's approval to dismiss Plaintiff's claims under California Labor Code Private Attorney General Act of 2004 ("PAGA") (California Labor Code §§2699 et seq.), and good cause appearing therefor, it is hereby:

1. **ORDERED** that Plaintiff's representative PAGA claims are dismissed without prejudice.
2. **ORDERED** that Plaintiff's individual claims are dismissed with prejudice.
3. **ORDERED** that a copy of this Court Order shall be submitted to the Labor and Workforce Development Agency within 15 days after entry of this order.

IT IS SO ORDERED.

DATED: 11-19-2024



HON. ERICK L. LARSH
JUDGE OF SUPERIOR COURT