

EVAN S. GAINES, ESQ. SBN 287668
GAINES LAW CORPORATION
4550 East Thousand Oaks Blvd., Suite 100
Westlake Village, CA 91362
Telephone: (805) 892-8200
Facsimile: (805) 800-8928
Email: evan@gaines.law

Attorneys for Plaintiff Kobi Keithley, on behalf of herself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO

KOBI KEITHLEY, on behalf of herself and all
“aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

MICHIGAN HOUSE, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No: 23CECG03558

*Assigned to the Hon. D. Tyler Tharpe, Dept.
501*

**STIPULATION AND [PROPOSED]
ORDER DISMISSING CLASS AND
REPRESENTATIVE PRIVATE
ATTORNEYS GENERAL ACT ACTION**

[CRC 3.769, Labor Code § 2698 *et seq.*]

[Filed Concurrently with Declaration of Evan
S. Gaines]

Complaint Filed: August 30, 2023

STIPULATION

WHEREAS, On August 30, 2023, Plaintiff Kobi Keithley, on behalf of herself and on behalf of all aggrieved employees filed a representative complaint against Defendant Michigan House, Inc. (“Defendant”), pursuant to the Labor Code Private Attorneys General Act of 2004 (“PAGA”), Labor Code § 2698 *et seq.*, seeking civil penalties for violations of the California Labor Code (Declaration of Evan S. Gaines [“Gaines Decl.”], ¶ 2);

WHEREAS, on October 29, 2024, Plaintiff amended her complaint to include standalone class action claims premised on the PAGA previously alleged PAGA claims. The First Amended Complaint is the operative complaint in this Action (Gaines Decl., ¶ 3);

WHEREAS, after a review of the claims and defenses to the Action, and considering Defendants’ contentions (1) that Plaintiff has been paid all wages due and owing and maintains claims that are individual to the other Class Members; and (2) that Defendant is suffering severe financial difficulties that could greatly hinder its ability to pay any class settlement or further defend this Action, Plaintiff’s Counsel has concluded that it is in all Parties’ best interest to resolve Plaintiff’s individual claims only (Gaines Decl., ¶ 4);

WHEREAS, the Parties have negotiated a settlement of Plaintiff’s individual claims only, and the class and PAGA claims will be dismissed *without* prejudice (the “Settlement”) (Gaines Decl., ¶ 5; **Exhibit A** to the Gaines Decl.);

WHEREAS, the Settlement between Plaintiff and Defendants does not contemplate the waiver of any claims by anyone other than Plaintiff and does not provide for the waiver of class and PAGA claims asserted on behalf of any employee or the state, such that there is no allocation of civil penalties in the Settlement. (Gaines Decl. ¶ 6);

WHEREAS, concurrent to the filing of this Stipulation, the Parties have submitted the Settlement Agreement to the Labor and Workforce Development Agency in compliance with Labor Code section 2699(l)(2) (Gaines Decl. ¶ 7; **Exhibit B** to the Gaines Decl.); and

WHEREAS, no notice is required to be given to the putative class because no notice of the pending Action was ever given; there has been no publicity of which the Parties are aware; neither Plaintiff nor his counsel have communicated with any absent class members about the Action; there

1 is no other pending action, of which the Parties are aware, brought by a member of the putative
2 class or including an overlapping putative class; and the putative class is not reasonably
3 ascertainable at the present time; consequently, no absent putative class member will suffer
4 prejudice as a result of this dismissal. (Gaines Decl. ¶ 8).

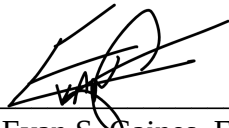
5 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties hereto
6 and through their respective attorneys of record that Plaintiff's individual claims shall be dismissed
7 with prejudice, the claims of all putative class members (except Plaintiff) and claims of all allegedly
8 aggrieved employees shall be dismissed without prejudice, and the Court shall retain jurisdiction
9 pursuant to Code of Civil Procedure Section 664.6 with respect to all matters related to the
10 consummation of the settlement, including to enforce the Settlement.

11 **IT IS SO STIPULATED.**

12 Dated: February 21, 2025

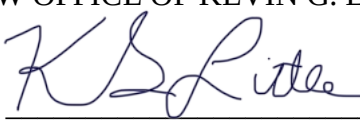
13 For Plaintiff:

14 GAINES LAW CORPORATION

15 By: 
16 Evan S. Gaines, Esq.

For Defendant Michigan House Inc.

LAW OFFICE OF KEVIN G. LITTLE

15 By: 
16 Kevin G. Little

ORDER

The Court, having reviewed the Parties' stipulation and any and all supporting papers, hereby ORDERS that:

1. The action is hereby DISMISSED WITH PREJUDICE as to Amritpal Hundal's individual claims, and DISMISSED WITHOUT PREJUDICE as to claims under PAGA asserted on behalf of all allegedly aggrieved employees and as to the class action claims asserted on behalf of all similarly situated individuals; and

2. The Court shall retain jurisdiction pursuant to Code of Civil Procedure Section 664.6 with respect to all matters related to the consummation of the settlement, including to enforce the Settlement.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 action. My business address is 4550 E. Thousand Oaks Blvd., Suite 100 Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On February 21, 2025, I served the foregoing document described as **STIPULATION AND [PROPOSED]**
6 **ORDER DISMISSING CLASS AND REPRESENTATIVE PRIVATE ATTORNEYS GENERAL ACT ACTION**
7 the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

8 **Kevin G. Little**
9 **Attorney at Law**
10 **P.O. Box 8656**
11 **Fresno, CA 93747**
12 **SERVICE@KEVINLITTLE.COM**

13 On the above date:

14 ____ (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
15 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
16 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
17 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
18 meter date is more than one day after date of deposit for mailing in affidavit.

19 __X__ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
20 transmission via email on the counsel of record listed above.

21 __X__ (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the
22 Labor & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov)
23 in accordance with the procedure imposed by the LWDA.

24 I certify that the above document was printed on recycled paper.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on February 21, 2025, at Westlake Village, California.

27 
28 _____
EVAN S. GAINES, ESQ.