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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

AMANDA SIRA, individually, and on behalf of
other members of the general public similarly
situated and on behalf of other aggrieved
employees pursuant to the California Private
Attorneys General Act;

Plaintiff,

vs.

FOUNDATION PARTNERS GROUP, LLC, a
Delaware limited liability company; MISSION
MORTUARY, an unknown business entity; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 37-2023-00036172-CU-OE-CTL

Honorable James A. Mangione
Department C-75

CLASS ACTION

**DECLARATION OF SELENA
MATAVOSIAN IN SUPPORT OF
REQUEST FOR DISMISSAL OF
PLAINTIFF'S INDIVIDUAL, CLASS,
AND PAGA CLAIMS AGAINST
DEFENDANT MISSION MORTUARY
WITHOUT PREJUDICE**

[Request for Dismissal and [Proposed] Order
filed concurrently herewith]

Complaint Filed: August 21, 2023
FAC Filed: December 18, 2023
Trial Date: None Set

DECLARATION OF SELENA MATAVOSIAN

I, Selena Matavosian, hereby declare:

1. I am an attorney licensed to practice law before the courts of the State of California. I am an attorney at Lawyers *for* Justice, PC and counsel for Plaintiff Amanda Sira (“Plaintiff”) in the above-entitled action. I am one of the attorneys responsible for Plaintiff’s representation in this matter and, as such, I have personal knowledge of the facts set forth in this declaration. The facts set forth in this declaration are within my personal knowledge, and/or based on information and belief, and if called as a witness, I could and would competently testify thereto.

2. Pursuant to California Rule of Court 3.770, I am providing this declaration in support of Plaintiff’s Request for Dismissal of Plaintiff’s Individual, Class, and PAGA Claims Against Defendant Mission Mortuary Without Prejudice, filed concurrently herewith, in the above-entitled action.

3. On August 21, 2023, Plaintiff filed a Class Action Complaint for Damages (“Original Complaint”) against Defendants Foundation Partners Group, LLC and Mission Mortuary in the Superior Court of California for the County of San Diego (“Court”), thereby commencing the above-captioned lawsuit entitled *Amanda Sira v. Foundation Partners Group, LLC, et al.*, Case No. 37-2023-00036172-CU-OE-CTL (“Action”).

4. On October 26, 2023, Defendant Foundation Partners Group, LLC (“Defendant”) (together with Plaintiff, the “Parties”) filed an Answer to the Original Complaint.

5. On December 18, 2023, Plaintiff filed a First Amended Class Action Complaint for Damages and Enforcement Under the Private Attorneys General Act, Cal. Labor Code § 2698, *Et Seq.* (“Operative Complaint”) against Defendants Foundation Partners Group, LLC and Mission Mortuary in the Action.

6. On January 19, 2024, Defendant filed an Answer to the Operative Complaint.

7. On September 20, 2024, the Parties attended a hearing on Plaintiff’s motion for preliminary approval of class action and Private Attorneys General Act (“PAGA”) settlement (“September 20, 2024 Hearing”), wherein the Court inquired as to the status of defendant

1 Mission Mortuary as it was named in and served with Plaintiff's Original Complaint, but not
2 served with Plaintiff's Operative Complaint, as evidenced in the Court's Minute Order issued
3 on September 20, 2024 ("September 20, 2024 Order"). The September 20, 2024 Order also
4 discussed how no information has been provided as to Plaintiff's claims against Mission
5 Mortuary and Mission Mortuary was not served with the motion papers.

6 8. At the September 20, 2024 hearing, Defendant's counsel explained that Mission
7 Mortuary was sued as an unknown business entity, Mission Mortuary is strictly a trade name
8 for where Plaintiff worked, Defendant Foundation Partners is the true employer, and that
9 Defendant Foundation Partners is therefore the appropriate entity and counsel for Defendant
10 only appeared on behalf of Defendant Foundation Partners.

11 9. Plaintiff and Plaintiff's counsel are not receiving any consideration, including any
12 fees or costs, for dismissing Plaintiff's individual, class, and PAGA claims against Mission
13 Mortuary without prejudice.

14 10. Pursuant to California Rules of Court, Rule 3.770(0), if the Court has not ruled on
15 class certification, or if the Court has ruled on class certification but notice of the pendency of
16 the action has not also been provided to class members in a case in which such notice is required,
17 the Court may dismiss the action against one or all defendants "without notice to the [putative
18 class members] if the court finds that the dismissal will not prejudice them." The Court has not
19 ruled on class certification in the Action, nor has notice of the pendency of the Action been
20 ordered to be sent to putative class members in this Action. None of the putative class members
21 would be prejudiced in any way by the dismissal of the class claims against Mission Mortuary
22 without prejudice in the absence of notice.

23 11. To date, to the best of my knowledge, the existence of the Action has received no
24 attention from local, state, or national news media. In light of these facts, there appears to be no
25 danger that members of the putative class have relied to their detriment on the Action to protect
26 their right to make claims against Mission Mortuary. Because Plaintiff has at no time moved
27 this Court to certify this Action as a class action, and this Action has not yet been certified, it is
28 appropriate for this Court to dismiss the class claims against defendant Mission Mortuary

1 without prejudice and without notice to the putative class members. The putative class members
2 will release no claims as a result of the requested dismissal, nor will they be prevented from
3 pursuing claims against Mission Mortuary.

4 12. For the reasons set forth above, I believe that dismissal of Plaintiff's in individual,
5 class, and PAGA claims against Mission Mortuary without prejudice and without notice to the
6 potential class is justified under California Rules of Court, Rule 3.770.

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

9 Executed this 2nd day of October 2024 at Glendale, California.

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13 Selena Matavosian
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