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Attorneys for Plaintiffs,
Isaac Magallon and Deandre Rivera

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

ISAAC MAGALLON, an individual,
DEANDRE RIVERA, an individual, and in a
representative capacity on behalf of the State of
California and other Aggrieved Employees,

Plaintiff,

vs.

GENO'S AUTO BODY COLLISION, INC., a
California corporation; GENO'S AUTO BODY
COLLISION CENTER, INC., a California
corporation; GENO'S AUTO BODY, INC., a
California corporation, ADP TOTALSOURCE
DE IV, INC., a Delaware corporation, and DOES
1-15, inclusive,

Defendants.

Case No.: C26-01567

**NOTICE OF MOTION AND MOTION
REQUESTING DISMISSAL OF
ENTIRE ACTION**

*[Filed concurrently with Memorandum of
Points and Authorities in Support of
Plaintiffs' Request for Dismissal of Entire
Action; Declaration of Kaitlin Martinez,
Esq. In Support of Plaintiffs' Request for
Dismissal of Entire Action; [Proposed]
Order Dismissing Entire Action]*

Complaint Filed: May 13, 2026
Trial Date: Not yet set

Hearing Date:
Time:
Dept: 16
Hon. Benjamin T. Reyes II

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD: PLEASE TAKE
NOTICE THAT** on _____ at _____ or as soon thereafter as the matter
may be heard, in Department 16 of the above-entitled Court, Plaintiffs Isaac Magallon and Deandre
Rivera will respectfully request the Court's approval of the proposed and unopposed Dismissal of
Entire Action, including dismissal of Plaintiff's Ninth Cause of Action for civil penalties under the
Labor Code Private Attorney General Act (i.e., Labor Code section 2698 et seq., "PAGA").

1 This motion is made pursuant to California Code of Civil Procedure section 581 (b)(1),
2 which provides “[a]n action may be dismissed ... with or without prejudice, upon written request of
3 the plaintiff ... at any time before the actual commencement of trial...” and on the basis that the
4 parties have reached and fully executed individual settlement agreements in the above-entitled case
5 that dismisses Plaintiffs’ individual claims *with prejudice* and Plaintiffs’ representative PAGA claim
6 *without prejudice*. One aspect of Plaintiffs’ claims included a demand for relief under PAGA which
7 requires court approval pursuant to Labor Code §2699(s). Good cause exists for the Court to grant
8 this unopposed Motion, as Plaintiffs did not settle the representative PAGA Claim, and their
9 individual settlement agreements are not releasing any claims on behalf of the State of California or
10 any Aggrieved Employees. Thus, the parties seek court’s approval of dismissal of PAGA claims
11 *without prejudice* so that the matter may be dismissed entirely pursuant to the settlement of the
12 parties.

13 This Motion is based on this notice, the Memorandum of Points and Authorities in Support
14 of Dismissal, the Declaration of Kaitlin Martinez, Esq., as well as all records on file with this Court
15 and such evidence or oral argument as may be presented at the hearing.

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17 Dated: September 15, 2026

EMRAN LAW FIRM P.C.

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19 By: Kaitlin Martinez
20 Kaitlin Martinez
21 Attorney for PLAINTIFFS and OTHER
22 AGGRIEVED EMPLOYEES
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