

12/26/2024

David W. Slayton, Executive Officer / Clerk of Court

By: V. Trujillo Deputy

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12 MACY'S, INC. and MARIE CATUDAN

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
14 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
15

16 WANDA STEWART, an individual,

17 Plaintiff,

18 v.

19 MACY'S INC., a Delaware corporation;
20 MARIE CATUDAN, an individual; and
DOES 1 through 20, inclusive,

21 Defendants.
22
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Case No.: 24STCV00704

*Assigned to the Honorable Lynne M. Hobbs, Dept.
61*

**JOINT STIPULATION TO DISMISS
INDIVIDUAL CLAIMS WITH PREJUDICE
AND NON-INDIVIDUAL PAGA CLAIMS
WITHOUT PREJUDICE; [PROPOSED]
ORDER THEREON**

Action filed: January 10, 2024
Trial date:

24 Plaintiff Wanda Stewart ("Plaintiff"), on behalf of herself and The State of California Labor &
25 Workforce Development Agency ("LWDA"), through her attorney of record, Setyan Law, APC, and
26 Defendants Macy's Inc. ("Macy's") and Marie Catudan (collectively, "Defendants"), through their
27 attorneys of record (Plaintiff and Defendants are collectively referred to as the "Parties"), hereby stipulate
28 and agree, as follows:

1 WHEREAS, Plaintiff Wanda Stewart's Complaint in this matter was filed on January 10, 2024
2 (the "Action");

3 WHEREAS, Plaintiff brought this Action against Defendants alleging the following causes of
4 action: (1) Discrimination In Violation Of Gov't Code §§12940 Et Seq; (2) Harassment In Violation of
5 Gov't Code §§12940 Et Seq. (3) Retaliation In Violation Of Gov't Code §§12940 Et Seq; (4) Failure To
6 Prevent Discrimination, Harassment And Retaliation In Violation Of Gov't Code §12940(K); (5) Failure
7 To Provide Reasonable Accommodations In Violation Of Gov't Code §§12940 Et Seq.; (6) Failure To
8 Engage In A Good Faith Interactive Process In Violation Of Gov't Code §§12940 Et Seq.; (7) Wrongful
9 Termination In Violation Of Public Policy; (8) Failure To Pay Wages (Cal. Labor Code §§201, 1194);
10 (9) Failure To Provide Rest Periods (Cal. Labor Code §§226.7); (10) Failure To Provide Itemized Wage
11 And Hour Statements (Cal. Labor Code §§226, Et Seq.); (11) Private Attorneys General Act (Cal. Labor
12 Code §2699, Et Seq); and (12) Unfair Competition (Bus. & Prof. Code §17200 Et Seq.);

13 WHEREAS, Defendant Macy's alleged violations under the California Labor Code, and the
14 derivative claims, serve as the basis for Plaintiff's PAGA claims;

15 WHEREAS, Defendants deny that there is any factual or legal basis for the claims in this Action;

16 WHEREAS, the Parties engaged in mediation with respected mediator Mitch Tarighati, Esq. on
17 October 19, 2024;

18 WHEREAS, the Parties did not resolve at mediation but continued in settlement negotiations through
19 November 2024 and reached a settlement of Plaintiff's individual claims, which includes Plaintiff's
20 agreement to dismiss her individual claims with prejudice;

21 WHEREAS, the Parties agree that Plaintiff's non-individual PAGA claims are wholly and/or partly
22 subsumed by the pending and/or settled cases as identified by Defendants' Notice of Related Case,
23 attached herein as ("**Exhibit 1**");

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

26 WHEREAS, a claim under the California Labor Code Private Attorneys General Act of 2004
27 ("PAGA"), California Labor Code §§2699 et seq. was part of the Complaint, wherein Plaintiff sought to
28 recover PAGA penalties on an individual basis and non-individual basis on behalf of other alleged

1 aggrieved employees;

2 WHEREAS, this stipulation to dismiss the non-individual PAGA claims without prejudice shall be
3 served to the California Labor Workforce (“LWDA”) after Court approval;

4 WHEREAS, this Court may determine that the rights of other aggrieved employees will not be
5 prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff prosecutes the
6 action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf of the
7 alleged similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of
8 the Labor Commissioner; the alleged similarly-aggrieved employees have no private right of action
9 outside of PAGA. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 650¹ [“In
10 PAGA, the Legislature created an enforcement mechanism for aggrieved employees to file representative
11 actions to recover penalties in cases in which there is no private cause of action as an alternative to
12 enforcement by the Labor Commissioner”]; *Arias v. Superior Court* (2009) 46 Cal.4th 969, 980–987
13 [PAGA suit is a representative action and need not be brought as a class action]. *Second*, there has been
14 no discovery as to the identities of other alleged aggrieved employees, nor has notice of this action been
15 provided to other aggrieved employees. Thus, the Parties are not aware of any other alleged aggrieved
16 employees who have any expectations of recovery of any kind in this case, and a dismissal of non-
17 individual PAGA claims without prejudice does not preclude other employees from pursuing claims; and

18 WHEREAS, Defendants have fulfilled their obligations under the Parties’ settlement agreement and
19 Plaintiff wishes to dismiss her individual claims with prejudice and her non-individual PAGA claims
20 without prejudice.

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22 **NOW, THEREFORE**, the Parties stipulate and agree, and good cause having been shown, subject
23 to the Court’s approval, as follows:

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

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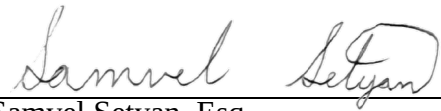
¹ Superseded by statute on unrelated ground.

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IT IS SO STIPULATED between the Parties.

DATED: December 11, 2024

SETYAN LAW, APC.

By: 
Samvel Setyan, Esq.
Attorneys for Plaintiff,
WANDA STEWART

DATED: December 11, 2024

MACY'S LAW DEPARTMENT

By: 
Michael C. Christman, Esq.
Attorneys for Defendants
Macy's Inc. and Marie Catudan

1 [PROPOSED] ORDER

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

- 6 1. **ORDERED** that Plaintiff's non-individual PAGA claims in the Action are dismissed without
7 prejudice; and
8 2. **ORDERED** that Plaintiff's individual claims in the Action are dismissed with prejudice; and
9 3. **ORDERED** that a copy of this Court Order shall be submitted to the Labor and Workforce
10 Development Agency within 15 days after entry of this order.

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12 **IT IS SO ORDERED.**

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14 DATED: 12/26/2024

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16 HON. LYNNE M. HOBBS
17 JUDGE OF SUPERIOR COURT
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