

Mark A. Ozzello (SBN 116595)
THE OZZELLO PRACTICE, PC
400 Continental Blvd. 6th Floor
El Segundo, CA 90245
Telephone: (844) 774-2020
Facsimile: (844) 774-2020
mark@ozzellolaw.com

David R. Greifinger, Esq. (SBN 105242)
tracklaw@me.com
Calvin A. Marshall, Esq. (SBN 318587)
calvin@greifingerlaw.com
LAW OFFICES OF DAVID R. GREIFINGER
15515 W. Sunset Boulevard, Unit 214
Pacific Palisades, California 90272
Telephone: (424) 330-0193
Facsimile: (831) 920-4864

Helen You, Esq. (SBN 329057)
helen@helenyoulegal.com
Law Office of Helen You
453 S. Spring Street, Suite 614
Los Angeles, California 90013
Telephone: (213) 260-0407

Attorneys for Plaintiff,
BRAULIO CURIEL

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

BRAULIO CURIEL, an individual, on behalf
of himself, on behalf of all persons similarly
situated, and on behalf of all aggrieved
employees

Plaintiff,

vs.

THE EDWARD THOMAS HOSPITALITY
CORP., a California corporation; and DOES 1
through 50 inclusive

Defendants.

Case No. 24STCV02181

Hon. Kenneth R. Freeman
Dept. SSC 14

CLASS ACTION

**DECLARATION OF CALVIN A.
MARSHALL IN SUPPORT OF
PLAINTIFF BRAULIO CURIEL'S
REQUEST FOR DISMISSAL OF CLASS
ACTION (CAL. RULES OF COURT,
RULE 3.770) AND PAGA ACTION**

Complaint filed: January 26, 2024
Trial Date: None Set

1 I, Calvin A. Marshall declare:

2 1. I am an attorney, licensed to practice before this Court. Unless the context indicates
3 otherwise, I have personal knowledge of the facts stated in this declaration, know them to be true, and
4 could and would testify to those facts if called as a witness.

5 2. I am an attorney for Plaintiff BRAULIO CUIEL (“Plaintiffs”) in the above-
6 captioned matter.

7 3. Defendant THE EDWARD THOMAS HOSPITALITY CORP. (“Defendant”) denies
8 any alleged wrongdoing in the above captioned matter.

9 4. Plaintiff’s class action claims in the above referenced have been eviscerated by the
10 class settlement in *Blanca Cornejo v. The Edward Thomas Hospitality Corp.*, Los Angeles Superior
11 Court Case No. 20STCV23586. The *Cornejo* settlement covers the period from June 17, 2016
12 through November 30, 2023. As such, Plaintiff’s alleged putative class period would effectively
13 cover a very small time frame between December 1, 2023 forward. However, Defendant’s counsel
14 has represented to Plaintiff’s counsel that Defendant has reached high levels of wage and hour law
15 compliance.

16 5. Additionally, Plaintiff’s PAGA claims are in the process of being eviscerated by the
17 *Jose Loera v. Neptunes Walk, LLC, The Edward Thomas Hospitality Corp, et al.*, Los Angeles
18 Superior Court Case No. 23SMCV00366 (“Loera”) matter. *Loera* contains many of the same and/or
19 similar claims for PAGA penalties as Plaintiff’s matter. The Loera PAGA notice letter, and the *Loera*
20 complaint were both filed long before Plaintiff’s. Counsel for Defendant has represented to counsel
21 for Plaintiff that it has already negotiated a PAGA settlement with counsel for Jose Loera.

22 6. Thus, Plaintiff’s counsel has determined that further prosecution of Plaintiff’s class
23 action claims and PAGA claims are no longer viable. The parties have negotiated and agreed to a
24 confidential settlement of Plaintiff’s alleged wrongful termination claims and have agreed to the
25 dismissal of Plaintiff’s class claims and PAGA claims *without prejudice* as to the putative class and
26 the PAGA group, subject to court approval.

1 7. Plaintiff makes the following disclosures as required by California Rules of Court, rule
2 3.770(a): No consideration, direct or indirect, has been or will be given for the dismissal of the class
3 claims. (Rule 3.770(a).)

4 8. Plaintiff makes the following disclosures as required by California Rules of Court, rule
5 3.770(c): No class has been certified in this action. No written notice of pendency of this action has
6 been provided to any putative class members.

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

9 DATED: July 30, 2024


Calvin A. Marshall

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within lawsuit; my business address is 400 Continental Blvd., 6th Floor, El Segundo, CA 90245.

On July 30, 2024, I served the document(s) described as: **DECLARATION OF CALVIN A. MARSHALL IN SUPPORT OF PLAINTIFF BRAULIO CURIEL'S REQUEST FOR DISMISSAL OF CLASS ACTION (CAL. RULES OF COURT, RULE 3.770) AND PAGA ACTION** on the interested parties in this thereof on:

David Fishman
Janet S. Soultanian
BALLARD ROSENBERG
15760 Ventura Blvd., 18th Floor
Encino, CA 91436
dfishman@brgslaw.com
jsoultanian@brgslaw.com
nfuller@brgslaw.com
laguilar@brgslaw.com
Attorneys for Defendant
THE EDWARD THOMAS HOSPITALITY CORP.

Labor and Workforce Development Agency
(By Posting on the LWDA PAGA Website)

☒ BY E-MAIL ONLY: I hereby certify that this document was served from Los Angeles County, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

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

Executed on **July 30, 2024** at Los Angeles County, California.

Calvin Marshall
Type or Print Name


Signature