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 9 ARMAND VIANNEY TEJEDA

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 11 **FOR THE COUNTY OF LOS ANGELES**

12 ARMAND VIANNEY TEJEDA, an
 13 individual,

14 Plaintiff,

15 v.

16 KF COMMUNITY CARE LLC dba
 17 COMMUNITY CARE CENTER, a California
 18 Limited Liability Company; DIANE
 19 ESKRIDGE, an individual; PRISCILLA
 20 RODRIGUEZ, an individual; and DOES 1
 through 20, inclusive,

21 Defendants.

Case No. 24STCV18592

*[Assigned for all purposes to Hon. Tiana J.
 Murillo, Dept. 78]*

**JOINT STIPULATION TO DISMISS
 PLAINTIFF ARMAND VIANNEY TEJEDA'S
 FOURTEENTH CAUSE OF ACTION FOR
 PRIVATE ATTORNEY GENERAL ACT
 VIOLATIONS WITHOUT PREJUDICE;
~~PROPOSED~~ ORDER**

Complaint Filed: July 25, 2024
FSC: November 25, 2026
Trial Date: December 7, 2026

22 Plaintiff ARMAND VIANNEY TEJEDA ("Plaintiff"), on behalf of himself, and the State of
 23 California Labor & Workforce Development Agency ("LWDA"), through his attorneys of record,
 24 GUERRA & CASILLAS LLP; and Defendant KF COMMUNITY CARE LLC DBA COMMUNITY
 25 CARE CENTER (collectively "Defendant") through their attorneys of record, LEVINSON
 26 ARSHONSKY KURTZ & KOMSKY, LLP (Plaintiff and Defendants collectively referred to as the
 "Parties"), hereby stipulate and agree, as follows:

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28 ///

1 WHEREAS, Plaintiff's Complaint was filed on July 25, 2024;

2 WHEREAS, Plaintiff brought this Action against Defendants alleging the following causes of
3 action: (1) Discrimination In Violation Of Gov't Code §§12940 et seq.; (2) Harassment In Violation
4 Of Gov't Code §§12940 et seq.; (3) Retaliation In Violation Of Gov't Code §§12940 et seq.; (4)
5 Failure To Prevent Discrimination, Harassment And Retaliation In Violation Of Gov't Code
6 §12940(k); (5) Failure To Provide Reasonable Accommodations In Violation Of Gov't Code §§ 12940
7 et seq.; (6) Failure To Engage In A Good Faith Interactive Process In Violation Of Gov't Code §§
8 12940 et seq.; (7) Wrongful Termination In Violation Of Public Policy; (8) For Declaratory Judgment;
9 (9) Failure to Pay Wages (Cal. Labor Code §§201, 1194) (10) Failure To Indemnify for Necessary
10 Business Expenses (Cal. Labor Code § 2802); (11) Failure To Provide Rest Periods (Cal. Labor Code
11 §§ 226.7, 512); (12) Failure to Provide Itemized Wage and Hour Statements (Cal. Labor Code §§ 226,
12 et seq.); (13) Waiting Time Penalties (Cal. Labor Code §§ 201-203); (14) Private Attorney General
13 Act (Cal. Labor Code § 2699, et seq.); (15) Failure To Permit Inspection Of Personnel And Payroll
14 Records (Cal. Labor Code §1198.5); and (16) Unfair Competition.

15 WHEREAS, Defendants' alleged violations under the California Labor Code, and the
16 derivative claims, serve as the basis for Plaintiff's PAGA cause of action;

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

18 WHEREAS, the Parties have reached a settlement of Plaintiff's individual claims, and mutually
19 agreed that Plaintiff will not pursue the PAGA claims;

20 WHEREAS, the Parties negotiated the settlement based solely on Plaintiff's claims for
21 discrimination under the FEHA, wrongful termination, and his individual claims under the Labor Code;

22 WHEREAS, Plaintiff wishes to settle and dismiss for himself, and himself only, Plaintiff's claims
23 for discrimination, harassment, and retaliation under the FEHA, wrongful termination, and his
24 individual claims under the Labor Code;

25 WHEREAS, Plaintiff is limited to facts within his own knowledge, and Plaintiff did not pursue
26 any PAGA discovery from Defendant and will not be able to identify other aggrieved employees;

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

1 WHEREAS, Plaintiff has not given other aggrieved employees the opportunity to opt-out of
2 Plaintiff's representation in this matter;

3 WHEREAS, Plaintiff has agreed to relinquish his status of being an alleged "aggrieved employee"
4 pursuant to the California Labor Code Private Attorney General Act of 2004 ("PAGA"), California
5 Labor Code §§2699 et seq.;

6 WHEREAS, Plaintiff has agreed to settle his individual claims under the Labor Code and the
7 FEHA, and will request a dismissal with prejudice of only his individual wage and hour claims under
8 the Labor Code and under the FEHA.

9 WHEREAS, Plaintiff hereby agrees that he relinquishes his status as an "aggrieved employee,"
10 and therefore Plaintiff shall no longer have standing to further prosecute the PAGA claims. "PAGA
11 imposes a standing requirement; to bring an action, one must have suffered harm." *Williams v. Superior*
12 *Court* (2017) 3 Cal.5th 531, 558.

13 WHEREAS, this stipulation to dismiss the PAGA claims without prejudice shall be served to the
14 California Labor Workforce ("LWDA") after Court approval;

15 WHEREAS, this Court may determine that the rights of other aggrieved employees will not be
16 prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff prosecutes
17 the action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf
18 of the similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of
19 the Labor Commissioner for the State of California; the similarly-aggrieved employees have no private
20 right of action in those civil penalties and no entitlement to them. *Rope v. Auto-Chlor System of*
21 *Washington, Inc.* (2013) 220 Cal.App.4th 635, 650¹ ["In PAGA, the Legislature created an enforcement
22 mechanism for aggrieved employees to file representative actions to recover penalties in cases in which
23 there is no private cause of action as an alternative to enforcement by the Labor Commissioner"]; *Arias*
24 *v. Superior Court* (2009) 46 Cal.4th 969, 980–987, [PAGA suit is a representative action and need not
25 be brought as a class action]. *Second*, discovery as to the identities of other aggrieved employees was
26 not completed based on the parties' desire to resolve the case at mediation individually, nor has notice
27 of this action been provided to other aggrieved employees. Thus, the parties are not aware of any other
28

¹ Superseded by statute on unrelated ground.

1 aggrieved employees who have any expectations of recovery of any kind in this case, and to the extent
2 any of them wish, in the future, to pursue their own claims, they have the right to do that; and

3 WHEREAS, Plaintiff wishes to dismiss his fourteenth cause of action for PAGA violations;

4 NOW, THEREFORE, the parties stipulate and jointly request that the Court dismiss Plaintiff's
5 fourteenth cause of action under the Private Attorney General Act of 2004 ("PAGA"), Labor Code
6 §§2699 et seq., without prejudice.

7 IT IS SO STIPULATED between the parties.

8
9
10 DATED: October 20, 2025

GUERRA & CASILLAS LLP

11
12 By: /s/ Guile Gomez

13 Ruben Guerra, Esq.
14 Tizoc Perez-Casillas, Esq.
15 Guile Gomez, Esq.
16 *Attorneys for Plaintiff,*
17 ARMAND VIANNEY TEJEDA

18
19
20 DATED: October 17, 2025

**LEVINSON ARSHONSKY KURTZ &
KOMSKY, LLP**

21
22 By: /s/ Nathan T. Lowery

23 Robert A. Levinson, Esq.
24 Nathan T. Lowery, Esq.
25 Michael P. McConnell, Esq.
26 *Attorneys for Defendants*
27 KF COMMUNITY CARE, LLC., DBA
28 COMMUNITY CARE CENTER, DIANE
ESKRIDGE, AND PRISCILLA
RODRIGUEZ

1 **~~PROPOSED~~ ORDER**

2 The Court, having considered Plaintiff's Request for Dismissal of Plaintiff's Fourteenth Cause
3 of Action for Violations of the Private Attorneys General Act, without prejudice, and good cause
4 appearing therefore,

5 IT IS HEREBY ORDERED that

6 1. Plaintiff's fourteenth representative cause of action under the California Labor Code,
7 Private Attorney General Act, Labor Code §§ 2699, et seq., is dismissed without prejudice; and

8 2. Plaintiff shall submit a copy of this Court Order to the Labor and Workforce
9 Development Agency within 10 days after entry of this order; and

10 3. _____
11 _____
12 _____

13 IT IS SO ORDERED.



16 *[Handwritten signature]*

17 DATED: 10/23/2025

Tiana J. Murillo / Judge

HONORABLE TIANA J. MURILLO
JUDGE OF SUPERIOR COURT

PROOF OF SERVICE

Case No. 24STCV18592

Tejeda v. KF Community Care LLC, et al.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 617 South Olive Street, Suite 915, Los Angeles, California 90014.

On October 20, 2025, I served the foregoing document(s) described as **JOINT STIPULATION TO DISMISS PLAINTIFF ARMAND VIANNEY TEJEDA'S FOURTEENTH CAUSE OF ACTION FOR PRIVATE ATTORNEY GENERAL ACT VIOLATIONS WITHOUT PREJUDICE; [PROPOSED] ORDER** on the interested parties described in the attached service list in this action as follows:

Robert A. Levinson, Esq.
Nathan T. Lowery, Esq.
Michael P. McConnell, Esq.
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*Attorneys for Defendant KF Community
Care, LLC., dba Community Care Center,
Diane Eskridge, and Priscilla Rodriguez*

☒ BY ELECTRONIC TRANSMISSION: I caused a copy of the document(s) listed above to be sent via electronic transmission either through email or through an electronic delivery service to the person(s) at the e-mail addresses listed above on this day. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on October 20, 2025, at Los Angeles, California.

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

Jessamine Lan

/s/Jessamine Lan