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Attorneys for Plaintiff Isaac Saenz, individually and on behalf of other aggrieved current and former employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE – HISTORIC COURTHOUSE

ISAAC SAENZ, individually and on behalf of
other aggrieved current and former employees,

Plaintiff(s),

v.

WARD/COBB TRANSPORTATION, WARD
& COBB TRANSPORTATION,
WARD/COBB TRANSPORTATION
SERVICES, KENNETH COBB,
SAUNDRA WARD, EMPLOYER’S
OUTSOURCING, INC. and
DOES 1 to 50,

Defendants.

Case No.: CVRI2400166

Action Filed: 01/11/2024

**JOINT STIPULATION REGARDING
SETTLEMENT OF PLAINTIFF’S
INDIVIDUAL CLAIMS AND
DISMISSAL, DECLARATION OF
ZORIK MOORADIAN IN SUPPORT
THEREOF, AND ~~PROPOSED~~
ORDER PURSUANT TO CRC 3.770**

TO THE HONORABLE COURT:

Plaintiff Isaac Saenz (“Plaintiff”) and Defendants Kenneth Cobb, Sandra Ward, and Joyful Journeys, Inc., dba Ward/Cobb transportation Services (“Defendants”) (collectively, the “Parties”), by and through their attorneys of record, request the Court to dismiss Plaintiff’s individual claims with prejudice and PAGA representative claims without prejudice. The Parties stipulate as to the following:

1 **WHEREAS**, Defendants have been involved in the business of providing transportation
2 services in the State of California and have employed/jointly employed Plaintiff, in the capacity
3 of a non-exempt employee. During his employment and for several months preceding January
4 20, 2023, Plaintiff transported clients/patients to health appointments or other activities in
5 Moreno Valley and surrounding areas. Plaintiff is no longer employed by Defendants.
6

7 **WHEREAS**, on behalf of Plaintiff and other aggrieved employees, on January 2, 2024,
8 a Notice of Labor Code Violations under California Private Attorney General Act (“PAGA”)
9 was submitted to the Department of Labor and Workforce Development Agency (“LWDA”)
10 pursuant to *Labor Code* §2699.3.

11 **WHEREAS**, a Complaint was filed on January 11, 2024, alleging nine (9) wage and
12 hour causes of action. On February 28, 2024, Employer’s Outsourcing, Inc. was dismissed
13 without prejudice. A First Amended Complaint (“FAC”) was filed on March 7, 2024, by
14 adding 10th cause of action for PAGA. Defendants filed an Answer to the FAC on or about May
15 21, 2024. On June 26, 2024, Plaintiff filed an Amendment to Complaint, adding Joyful
16 Journeys, Inc. as DOE 1 Defendant. The Parties to this Stipulation are the remaining named
17 parties in the case.
18

19 **WHEREAS**, Plaintiff was advised that Defendants had only a few employees, who
20 could be classified as part of the PAGA class, and that the claimed violations were disputed.
21 The Parties, therefore, exchanged written discovery to confirm the respective legal positions.
22 Having met and conferred further after the last status conference, the Parties were able to settle
23 the individual claims of Plaintiff for a dismissal with prejudice and PAGA claims for a
24 dismissal without prejudice, subject to this Court’s approval. Factored in the settlement
25 discussions was the financial inability of Defendants to compensate Plaintiff and the aggrieved
26 employees.
27

28 **WHEREAS**, a Settlement Agreement was memorialized in a five (5) page document,

1 with three timely payments and a general release only as to the individual claims, and no
2 release as to any of the PAGA claims. The Settlement Agreement has been fully executed. The
3 funding is in the attorney-client trust account, and the distribution is pending this Court's
4 approval.

5 **WHEREAS**, Plaintiff does not intend to pursue representative PAGA claims on behalf
6 of the State of California or the "aggrieved employees."

7 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by the Parties, through their
8 counsel of record, as follows:

9 1. Plaintiff agrees and requests the dismissal of his individual claims, including his
10 individual PAGA claims, with prejudice, and his representative PAGA claims without
11 prejudice, so that the absent potential PAGA members will not be adversely affected.

12 2. This action shall be dismissed without notice to the potential aggrieved
13 employees in accordance with *California Rules of Court*, rule 3.770(c), which request is
14 supported by the Declaration of Zorik Mooradian, attached hereto as **Exhibit 1**; and

15 3. The Parties shall be responsible for their own attorneys' fees and costs.

16 **IT IS SO STIPULATED.**

17 Dated: January 8, 2025

MOORADIAN LAW, APC

 Zorik Mooradian

18 By: _____
19 Zorik Mooradian,
20 Andrina G. Hanson,
21 Nanor C. Kamberian,
22 Attorneys for Plaintiff Isaac Saenz

23 Dated: January 13, 2025

COHEN LAW GROUP

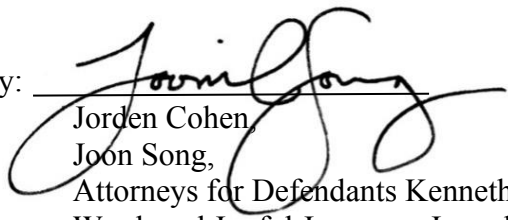
24 By: 
25 Jorden Cohen,
26 Joon Song,
27 Attorneys for Defendants Kenneth Cobb, Sandra
28 Ward, and Joyful Journeys, Inc., dba Ward/Cobb
Transportation Services

EXHIBIT 1

DECLARATION OF ZORIK MOORADIAN

I, Zorik Mooradian, declare and state as follows:

1. I have personal knowledge of the facts contained in this declaration, and if called as a witness, could and would testify to their accuracy.

2. I am an attorney admitted to practice in the State of California and I am employed at Mooradian Law, APC. I am counsel for Plaintiff Isaac Sainz ("Plaintiff") in the above-entitled action. I submit this declaration in support of Plaintiff's Request for Dismissals.

3. Defendants have been involved in the business of providing transportation services in the State of California and have employed/jointly employed Plaintiff, in the capacity of a non-exempt employee. During his employment and for several months preceding January 20, 2023, Plaintiff transported clients/patients to health appointments or other activities in Moreno Valley and surrounding areas. Plaintiff is no longer employed by Defendants.

4. On behalf of Plaintiff and other aggrieved employees, on January 2, 2024, a Notice of Labor Code Violations under California Private Attorney General Act ("PAGA") was submitted to the Department of Labor and Workforce Development Agency ("LWDA") pursuant to Labor Code §2699.3.

5. A Complaint was filed on January 11, 2024, alleging nine (9) wage and hour causes of action. On or about February 28, 2024, Employer's Outsourcing, Inc. was dismissed without prejudice. A First Amended Complaint ("FAC") was filed on or about March 7, 2024, by adding 10th cause of action for PAGA. Defendants filed an Answer to the FAC on or about May 21, 2024. On June 26, 2024, Plaintiff filed an Amendment to Complaint, adding Joyful Journeys, Inc. as DOE 1 Defendant. The Parties to this Stipulation are the remaining named parties in the case.

6. Plaintiff was advised that Defendants had only a few employees, who could be classified as part of the PAGA class, and the claimed violations were disputed. The Parties, therefore, exchanged written discovery to confirm the respective legal positions. Having met

1 and conferred further after the last status conference, the Parties were able to settle the
2 individual claims of Plaintiff for a dismissal with prejudice and PAGA claims of the remaining
3 aggrieved employees for a dismissal without prejudice, subject to this Court's approval.
4 Factored in the settlement discussions was the financial inability of Defendants to compensate
5 Plaintiff and the aggrieved employees.

6 7. A Settlement Agreement was memorialized in a five (5) page document, with
7 three timely payments and a general release only as to the individual claims, and no release as
8 to the PAGA claims of other aggrieved employees. The Settlement Agreement has been fully
9 executed. The funding is in the attorney-client trust account, and the distribution is pending this
10 Court's approval.

11 8. Plaintiff does not intend to pursue representative PAGA claims on behalf of the
12 State of California or the "aggrieved employees."

13 9. There is no compensation or consideration received for the dismissal without
14 prejudice of the PAGA claims of the aggrieved employees other than for Plaintiff.

15 10. Defendants have neither offered, nor has Plaintiff received, any direct or indirect
16 consideration for Plaintiff to dismiss the PAGA claims of other aggrieved employees.

17 11. Accordingly, Plaintiff's counsel requests that the Court order the dismissal of
18 this action without notice to the unnamed aggrieved employees of Defendants under Rule
19 3.770(c) of the California Rules of Court.

20 12. This counsel will however cause the filing of a Notice of the signed Order of
21 this Court, with LWDA, advising of the closure of the PAGA cause of action.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on January 8, 2025, at Calabasas, California.

24  Zorik Mooradian

25 By: _____
26 Zorik Mooradian
27
28

~~[PROPOSED]~~ ORDER

Based on the Joint Stipulation by and between Plaintiff Isaac Saenz (“Plaintiff”) and Defendants Kenneth Cobb, Sandra Ward, and Joyful Journeys, Inc., dba Ward/Cobb Transportation Services (“Defendants”), and good cause appearing, it is hereby **ORDERED** as follows:

13. Since Plaintiff has released his individual claims and no longer wishes to prosecute the remaining representative claims against Defendants, Plaintiff’s individual claims, including his individual PAGA claim, are DISMISSED, WITH PREJUDICE. The non-individual representative PAGA claims are DISMISSED, WITHOUT PREJUDICE, so that the proposed aggrieved employees’ rights will not be adversely affected by the dismissal of this lawsuit.

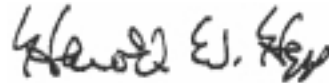
14. Plaintiff and Defendants shall be responsible for their own fees and costs in connection with this lawsuit.

15. A copy of this Order shall be submitted to LWDA within ten (10) days.

IT IS SO ORDERED.

DATED: January 15, 2025

By: _____



Honorable Harold W. Hopp
Judge, for the Superior Court of California,
County of Riverside, Department 1