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Attorneys for Plaintiff ROBERT SYKES
as an individual and on behalf of all employees
similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ROBERT SYKES, as an individual and on behalf of
all employees similarly situated,

Plaintiff,

v.

MACY'S RETAIL HOLDINGS, LLC, dba
MACY'S, an Ohio Limited Liability Company;
MACY'S, INC., a Delaware Corporation; and DOE
1 through 50, inclusive,

Defendants.

Case No.: 24STCV09543

[Assigned for all purposes to Hon. Holly J.Fujie,
Dept. 56]

**PLAINTIFF'S APPLICATION TO
DISMISS PAGA INDIVIDUAL CLAIM
AGAINST DEFENDANTS WITHOUT
PREJUDICE**

*[Filed concurrently with Declaration of Lilit
Tunyan In Support of Plaintiff' Application to
Dismiss; [Proposed] Order]*

Complaint Filed: April 16, 2024
Trial: None Set

1 TO THE COURT, TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 Plaintiff ROBERT SYKES (hereinafter "Plaintiff"), by and through his counsel of record, hereby
3 request dismissal of his alleged PAGA individual claim without prejudice against Defendants MACY'S
4 RETAIL HOLDINGS, LLC, dba MACY'S and MACY'S, INC. ("Defendants") from this action as
5 follows:

- 6 1. Pursuant to California Rule of Court 3.770, Plaintiff request dismissal of his individual
7 PAGA claim arising under the Labor Code private Attorneys General Act of 2004, Labor
8 Code §2698, et seq. against Defendants without prejudice in order to proceed with his
9 PAGA representative claim arising under the Labor Code private Attorneys General Act of
10 2004, Labor Code §2698, et seq. on behalf of Aggrieved employees and the State of
11 California alone.
- 12 2. Because the notice of the pendency of the action has not been required to be provided to the
13 Aggrieved Employees, Plaintiff request that the Court grant dismissal, without prejudice, of
14 Plaintiff's individual PAGA claim without prejudice as to Defendants without directing
15 notice to the Aggrieved Employees. The requested dismissal will not prejudice them.
16 California Rules of Court, Rule 3.770(c).

17 The concurrently filed Declaration of Lilit Tunyan confirms the facts necessary to complete the
18 requested dismissal pursuant to California Rules of Court.

19 **Notice was provided to the LWDA prior to the filing of this Application.**

20 Respectfully submitted,

21 Dated: June 10, 2024

22 **TUNYAN LAW, APC**

23 

24 Lilit Tunyan
25 Artur Tunyan

26 Attorneys for Plaintiff ROBERT SYKES
27
28

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)

3) ss

4 COUNTY OF LOS ANGELES)

5 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 535 N Brand Blvd. Suite 285 , Glendale, California 91203.

6 On the date indicated below, I served the document described as: **PLAINTIFF'S**
7 **APPLICATION TO DISMISS PAGA INIDIVIDUAL CLAIM AGAINST DEFENDANTS**
8 **WITHOUT PREJUDICE** on the interested parties in this action by sending a true copy thereof to interested parties as follows and as stated on the attached service list:

9 Michael C. Christman
10 michael.christman@macys.com
11 Catherine Sison
12 catherine.sison@macys.com
13 **MACY'S LAW DEPARTMENT**
14 11477 Olde Cabin Road, Suite 400
15 St. Louis, MO 63141
16 Telephone: (314) 342-6334
17 Facsimile: (314) 342-636

18 Cary Palmer
19 cary.palmer@jacksonlewis.com
20 Gail Baum
21 gail.baum@jacksonlewis.com
22 **JACKSON LEWIS, P.C.**
23 400 Capitol Mall Ste 1600,
24 Sacramento, CA 95814-4419
25 Telephone: (916) 341- 0404
26 Facsimile: (916) 341- 0141

27 ***Attorneys for Defendants Macy's Retail Holdings, LLC, dba MACY'S and Macy's Inc.***

28 [✓] **BY E-MAIL:** I hereby certify that this document was served from Glendale, 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.

[✓] **BY ELECTRONIC SERVICE:** Based on an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via electronic mail. I did not receive an error message.

Executed on June 10, 2024 at Glendale, California.

25 Lilit Tunyan
26 _____
27 Name

25 
26 _____
27 Signature