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Attorneys for Defendant,
EZK LIQUIDATORS, INC.

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

LUIS ALEJANDRO RODRIGUEZ, an
individual,

Plaintiff,

v.

EZK LIQUIDATORS, INC., an unknown
corporation; EZK LIQUIDATOR, INC., a
California corporation; and DOES 1 through 20,
inclusive,

Defendants.

Case No. 24STCV15867

Assigned to the Honorable Michael Shultz, Dept. 40

**JOINT STIPULATION TO DISMISSAL
WITHOUT PREJUDICE OF PLAINTIFF'S
PAGA CLAIMS; AND [PROPOSED] ORDER**

Complaint Filed: June 25, 2024
Trial Date: November 25, 2025

FILED
Superior Court of California
County of Los Angeles
05/30/2025
David W. Slayton, Executive Officer / Clerk of Court
By: C. Warren Deputy

1 Plaintiff LUIS ALEJANDRO RODRIGUEZ (“Plaintiff”), by and through his attorney of record,
2 Downtown LA Law Group, and Defendants EZK LIQUIDATORS, INC. (“Defendant”), by and through
3 their attorney of record, Gordon & Rees, Scully Mansukhani, hereby stipulate and agree as follows:

4 1. WHEREAS, a confidential settlement in this case was reached on or about May 16, 2025.

5 2. WHEREAS, the parties agreed to resolve Plaintiff’s individual claims (the “Claims”).

6 3. WHEREAS, Plaintiff alleges the amount of the settlement is less than the value of
7 Plaintiff’s individual Labor Code and wrongful termination Claims if he were to proceed to trial,
8 notwithstanding any alleged Private Attorney General Act (“PAGA”) violations. Plaintiff alleged in his
9 Complaint that he was individually owed overtime wages in the amount of \$25,392.00, meal and rest
10 break premiums in the amount of \$18,400.00, Labor Code section 226 violations in the amount of
11 \$4,000.00, waiting time penalties in the amount of \$5,520.00, Plaintiff alleged that he was owed the
12 \$1,500.00 in statutory penalties for Defendant’s alleged failure to produce the timely payroll and personnel
13 records. In addition, Plaintiff alleges that he suffered emotional distress damages and loss of earnings
14 from his wrongful termination, discrimination, and retaliation in violation of FEHA and also is entitled
15 to the statutory \$10,000 penalty pursuant to Labor Code section 98.6 and 1102.5. Plaintiff alleges that
16 his wrongful termination damages exceed six figures. Plaintiff alleges that he is entitled to an award of
17 attorney’s fees and costs.

18 4. WHEREAS, Plaintiff no longer wishes to pursue the PAGA cause of action.

19 5. WHEREAS, Plaintiff has not sought the express consent of other aggrieved employees to
20 pursue this lawsuit on their behalf.

21 6. WHEREAS, Plaintiff has not given other aggrieved employees the opportunity to opt-out
22 of Plaintiff’s representation in this matter.

23 7. WHEREAS, this stipulation to dismiss the PAGA claims without prejudice shall be served
24 on the California Labor Workforce (“LWDA”) at the same time that it is submitted to this Court.

25 8. WHEREAS, this Court may find that the rights of other aggrieved employees will not be
26 prejudiced for two significant reasons. *First*, unlike class actions, where the class plaintiff prosecutes the
27 action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf of
28 the similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of the

1 Labor Commission; the similarly-aggrieved employees have no private right of action in those penalties
2 and no entitlement to them. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635,
3 650¹ [“In PAGA, the Legislature created an enforcement mechanism for aggrieved employees to file
4 representative actions to recover penalties in cases in which there is no private cause of action as an
5 alternative to enforcement by the Labor Commissioner”]; *Arias v. Superior Court* (2009) 46 Cal.4th 969,
6 980–987, 95 Cal.Rptr.3d 588, 209 P.3d 923 [PAGA suit is a representative action and need not be brought
7 as a class action]. *Second*, there has been no discovery as to the identities of other aggrieved employees,
8 nor has notice of this action been provided to other aggrieved employees. Thus, the parties are not aware
9 of any other aggrieved employees who have any expectations of recovery of any kind in this case, and to
10 the extent any of them wish, in the future, to pursue their own claims, they have the right to do that.

11 9. Separately, Plaintiff has resolved and will dismiss his individual claims against Defendants.
12 Plaintiff’s lawsuit alleges unpaid wages in the amount of \$54,542, not including interest, loss of earnings,
13 emotional distress, or the statutory penalties, nor attorney’s fees and costs. Plaintiff estimates that if he
14 prevailed at trial on all of his claims, he could be awarded nearly \$500,000.00, inclusive of attorney’s
15 fees and costs. The Parties’ ultimate settlement of Plaintiff’s individual claims, however, was far below
16 this estimate in light of the genuine disputes between the Parties, including Defendants’ many asserted
17 defenses to Plaintiff’s claims. Further, Plaintiff’s counsel concluded the delay, inconvenience,
18 distraction, and uncertainty imposed by the extensive associated litigation demands would far outweigh
19 the potential benefits of additional litigation. Accordingly, Plaintiff concluded, after considering the
20 sharply disputed factual and legal issues involved in the action, the risks attending further prosecution,
21 the discovery conducted to date, and the substantial benefits received and to be received from settlement
22 of the Action, that settlement on the terms set forth in the Settlement Agreement was in Plaintiff’s best
23 interest.

24 THE PARTIES THEREFORE stipulate and jointly request that:

- 25 1. The Court dismiss Plaintiff’s fourteenth cause of action to the Complaint (Private Attorney
26 General Act) without Prejudice.

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¹ Superseded by statute on unrelated ground.

1 DATED: May 16, 2025

DOWNTOWN LA LAW GROUP

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3 By:

Liliuokalani H. Martin, Esq.
Attorneys for Plaintiff,
LUIS ALEJANDRO RODRIGUEZ

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6 DATED: May 16, 2025

GORDON REES SCULLY MANSUKHANI

7
8
9 By:


Roger M. Mansukhani, Esq.
Laura Walker, Esq.
Amanda Zachwieja, Esq.
Attorneys for Defendants,
EZK LIQUIDATORS, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

LUIS ALEJANDRO RODRIGUEZ, an
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Case No. 24STCV15867

Assigned to the Honorable Michael Shultz, Dept. 40

[PROPOSED] ORDER

Complaint Filed: June 25, 2024

Trial Date: November 25, 2025

[PROPOSED] ORDER

1 IT IS HEREBY ORDERED, pursuant to the stipulation by parties, and good cause appearing
2 therefor:

- 3 1. The Court dismisses Plaintiff's fourteenth cause of action to the Complaint (Private Attorney
4 General Act) without Prejudice.

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6 IT IS SO ORDERED:

7
8 DATED: 05/30/2025



A handwritten signature in black ink, appearing to read "MS", is written over a horizontal line.

9 Honorable Michael Shultz

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4 **PROOF OF SERVICE**

5 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
7 not a party to the within action. My business address is 612 S. Broadway, Los Angeles, CA 90014.

8 On September 16, 2024, I served the foregoing document described as: **JOINT STIPULATION OF TO**
9 **DISMISSAL WITHOUT PREJUDICE OF PLAINTIFF'S PAGA CLAIMS WITHOUT PREJUDICE;**
AND [PROPOSED] ORDER on said parties in this action as follows:

10 Roger M. Mansukhani
11 rmansukhani@grsm.com

12 Laura Walker
13 lawalker@grsm.com

14 Amanda Zachwieja
15 azachwieja@grsm.com

16 Leah Scott
17 LScott@grsm.com

18 **GORDON REES SCULLY MANSUKHANI LLP**

19 101 W. Broadway, Suite 2000
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21 Telephone: (619) 696-6700
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23 Attorneys for Defendant
24 EZK LIQUIDATORS, INC.

25 California Labor & Workforce Development Agency
26 <https://www.dir.ca.gov/Private-Attorneys-General-Act>
27 800 Capitol Mall, Suite 5000 (MIC-55)
28 Sacramento, CA 95814

29 ☒ **BY ELECTRONIC MAIL:** I caused said document(s) to be transmitted to the
30 email address(es) of the addressee(s) designated pursuant to CCP § 1010.6. I served true and
31 correct copies of the above-listed documents via electronic mail to each email address listed
32 above, and served the documents from my electronic service address, which is
33 gabriela@downtownlalaw.com

34 ☒ **BY ELECTRONIC SERVICE:** Pursuant to SB 836, I electronically filed a copy of the
35 document with California Labor & Workforce Development Agency Only.

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☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 16, 2025, at Los Angeles, California.

Gabriela Diaz

Gabriela Diaz