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12 Attorneys for Plaintiff
13 Jorge Garcia

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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

Jorge Garcia, individually and on
behalf of all others similarly
situated,

Plaintiff,

v.

HAPPY PLUMBING, INC., a
California corporation; STEVEN
BLAKE ROBERTS, an
individual; and DOES 1 to 10,

Defendants.

Case No: 24CL002811C

*Assigned to Hon. Matthew C.
Braner
Dept. C-60*

**DECLARATION OF DAVID
GARRETT IN SUPPORT OF
PLAINTIFF'S REQUEST FOR
DISMISSAL OF CLASS
ACTION ALLEGATIONS;
[PROPOSED] ORDER**

Cal. R. Court 3.770

Date: N/A
Time: N/A
Dept.: C-67
330 W. Broadway
San Diego, CA 92101

Complaint Filed: July 24, 2024

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1. I am an attorney at law duly authorized to practice law before all courts in the State of California. I am one of the attorneys for Plaintiff JORGE GARCIA (“Plaintiff”) with the firm of Harris & Ruble. I have personal knowledge of the following facts and could and would competently testify thereto if called as a witness in this action.

3. Defendant has always and continue to deny the allegations in the Lawsuit.

5. On or about February 15, 2025, Plaintiff informed me by phone that he directly negotiated an individual settlement of this matter with a “mediator” hired by Defendant Happy Plumbing, Inc. (“Defendant”). Plaintiff informed me that he accepted a settlement check for \$8,000 from Defendant (the “Settlement”), but Plaintiff has not provided me with any written settlement agreement.

7. As part of his self-negotiated Settlement, Plaintiff has asked the

undersigned to dismiss this case against Defendant in its entirety.

8. Plaintiff has stated that, due to this Settlement and his personal needs and considerations, he does not wish to continue with the matter and has agreed to dismiss his lawsuit. Plaintiff has informed the undersigned that the Settlement is intended to fully compensate Plaintiff for his claims. For these reasons, the Settlement sum appears to be a fair compromise of Plaintiff's individual claims.

9. This case has not yet been certified as a class action. There has been no formal discovery in this case, and no exchange of documents pertaining to the putative class. However, based on a preliminary review of Defendant's records, it appears that there may be individualized issues that serve as obstacles to prosecuting it as a class action. The putative class size also appears to be limited and therefore Plaintiff may have difficulty establishing numerosity for purposes of satisfying class action requirements. Further, Defendant appears to be having financial difficulties, which would make collection of a judgment difficult if not impossible.

10. Moreover, no prejudice will come to the class because there has been no publicity or communications to putative class members regarding the matters set forth herein. This firm has not contacted any other putative class members regarding this action. This firm's website does not refer to the case and never has. The location of putative class members is currently unknown, and there is no efficient method to target advertising in order to reach them. As such, no putative class members will suffer prejudice as a result of the settlement and dismissal of Plaintiff's case against Defendant.

11. To effectuate Settlement, Plaintiff asks this Court to dismiss the class action complaint without prejudice. This will allow Plaintiff to release his individual claims with prejudice, with the PAGA allegations to be dismissed by operation of law. I have spoken to Plaintiff, and he understands that acceptance of the settlement will not affect the claims of the other putative class members.

12. My law firm prepared a proposed order regarding the present request for dismissal and had it filed concurrently herewith.

1 13. On or about February 16, 2025, I uploaded notice of the proposed
2 Settlement in this case to the website for the California Labor Workforce Development
3 Agency (“LWDA”), in case No. [LWDA-CM-1025811-24](#). A true and correct copy of
4 the acknowledgement of receipt from the LWDA is attached hereto as **Exhibit 1**.

5 14. This case presents a clear risk of further lengthy and expensive litigation,
6 with likely appeals even after trial. Any judgment favorable to Plaintiff would likely be
7 the subject of post-trial motions and appeal, which would prolong the cases for years
8 with the ultimate outcome uncertain. It is also clear that even a victory at trial is no
9 guarantee that the judgment would ultimately be sustained on appeal. Even substantial
10 judgments awarded by trial courts have been reversed on appeal. Considering the
11 inherent risks, hazards, and expenses of carrying the case through trial, Counsel is of the
12 opinion that the Settlement amount is fair, reasonable, and adequate. Plaintiff’s Counsel
13 has substantial experience in prosecuting PAGA and class actions, including actions
14 involving the application of state and federal wage-and-hour laws.

15 I declare under penalty of perjury that the foregoing is true and correct and that
16 this declaration was executed on this 15th day of February, 2025, at Glendale, California.

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19 DAVID GARRETT
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1 **PROOF OF SERVICE**

2 I am attorney for the plaintiff herein, over the age of eighteen years, and not a party
3 to the within action. My business address is Harris & Ruble, 655 North Central Avenue
4 17th Floor, Glendale, California 91203. On February 16, 2025, I served the within
documents:

5 **DECLARATION OF DAVID GARRET IN SUPPORT OF PLAINTIFF'S**
6 **REQUEST FOR DISMISSAL OF CLASS ALLEGATIONS AGAINST**
DEFENDANT

7 Facsimile: I caused such envelope to be delivered by e-mail or fax to:

8 E-mail: David Baumgarten <baum@yblaw.com>

9 I am readily familiar with the Firm's practice of collection and processing
10 correspondence for mailing. Under that practice it would be deposited with the
11 U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary
course of business, addressed as follows:

12 Eugene P. Yale, Esq.

13 yale@yblaw.com

14 David W. Baumgarten, Esq.

15 baum@yblaw.com

16 YALE & BAUMGARTEN, LLP

17 1450 Frazee Road, Suite 403

18 San Diego, California 92108

19 Tel.: (619) 220-8790

20 Fax: (619) 220-0369

21 I declare under penalty of perjury that the above is true and correct. Executed on
22 February 16, 2025, at Los Angeles, California.

23 */s/ David Garrett*
24 *Attorney for Plaintiff*
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Exhibit 1

David Garrett

From: DIR PAGA Unit <no-reply@formassembly.com>
Sent: Sunday, February 16, 2025 7:33 AM
To: David Garrett
Subject: Thank you for your Court Complaint Submission.

02/16/2025 08:32:22 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Complaint

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website:

https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Flabor.ca.gov%2FPrivate_Attorneys_General_Act.htm&data=05%7C02%7C%7Ce39842c283ce442bd6c908dd4ea78d4f%7C199f51c9b2eb47398603ce0da54dc558%7C0%7C0%7C638753203729303819%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWFrpbClzIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=fEqbxyz5PxZyg76t6B8uwHXe3EqqrX5dfZHbNnxXaH8%3D&reserved=0