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GRANT JOSEPH SAVOY (SBN 284077)
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Los Angeles, California 90012
Telephone: (213) 814-4940
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Attorneys for Plaintiff, individually
and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

JOAQUIN N. SALDIVAR TORRES, an
aggrieved employee on behalf of other
PAGA Employees,

Plaintiff,

vs.

GMRI, INC., a Florida Corporation; and
DOES 1 through 100, inclusive,

Defendant.

Case No. 30-2024-01434800-CU-OE-CXC

[ASSIGNED FOR ALL PURPOSES TO HON.
JUDGE WILLIAM D. CLASTER, DEPT. CX101]

**DECLARATION OF SHOHAM J. SOLOUKI
IN SUPPORT OF PLAINTIFF'S RESPONSE
TO COMMENTS OF DLSE REGARDING
MOTION FOR APPROVAL OF
SETTLEMENT AGREEMENT**

[Filed concurrently with Plaintiff's Response to
Comments of DLSE Regarding Motion For
Approval of Settlement Agreement]

Hearing Date: December 19, 2025
Time: 9 AM
Dept.: CX101

Action Filed: October 21, 2024

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1 Sections 200, 201, 202, 203, 204, 206.5, 210, 218.6, 225.5, 226, 226(a), 226(c), 226.2, 226.3,
2 226.7, 226.8, 227.3, 246, 403, 404, 432.5, 432.6, 432.6(a), 432.6(c), 510, 512, 512(a), 551,
3 552, 558, 1102.5, 1174, 1174(d), 1174.5, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 1198.5,
4 1199, 2800, 2802, and 2802(a).

5 7. On or about May 8, 2025 Plaintiff submitted an amended letter to the LWDA to
6 notify the LWDA pursuant to PAGA of Plaintiff's intent to seek civil penalties under PAGA
7 for violations of Labor Code.

8 8. On or about May 23, 2025, the Parties attended a full-day mediation before
9 esteemed mediator Scott Slater Markus, Esq.

10 9. In preparation for mediation, the Parties exchanged various documents and
11 information including wage and hour policies used by Defendant during the PAGA Period, time
12 keeping and payroll information for Plaintiff, time keeping and payroll information for PAGA
13 Employees for the entire PAGA Period, and other information important for mediation (i.e.,
14 workweek information for the PAGA Period, employee counts, total number of current and former
15 employees). During this process Plaintiff's Counsel analyzed, researched, and investigated the
16 potential issues, including matters related to the calculation of PAGA damages, interviews of the
17 named Plaintiff and many other PAGA Employees, potential trial management issues, and
18 appellate issues and risks. Plaintiff's engaged two consultants to assist in this matter: 1. JT Calcs,
19 and 2. IP Consulting. JT Calcs provided Plaintiff with statistical analysis of the time and pay
20 record sample data provided by Defendant. IP Consulting provided its services in producing a
21 survey questionnaire and a list of PAGA Employees' contact information for Plaintiff's survey
22 drive.

23 10. After a full-day of mediation, the Parties had not reached a settlement. Mediator
24 Scott Slater Markus, Esq. then made a mediator's proposal in an attempt to get the Parties to agree
25 on a settlement. The proposal originally was valid until May 30, 2025. By agreement of the Parties,
26 this deadline was extended until June 4, 2025. Plaintiff and Plaintiff's Counsel concluded—after
27 considering the sharply disputed factual and legal issues involved on the PAGA claims, the risks
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1 attending further prosecution, delay if the Parties continued litigation of the PAGA claims, and the
2 benefits to be received pursuant to the compromise and settlement of the action—that settlement
3 was in the best interest of the representative Plaintiff, the LWDA, and the PAGA Employees and is
4 fair and reasonable and furthers the purpose of the PAGA to enforce the Labor Code.

5 11. The Parties have since entered into a written long form agreement, the Stipulation
6 of Private Attorneys General Act Settlement and Release (the “Settlement” or “Settlement
7 Agreement”) that was submitted to this honorable Court attached to the Declaration of Shoham J.
8 Solouki on September 15, 2025.

9 12. On June 23, 2025, as part of the agreement reached with the Settlement,
10 Plaintiff submitted a second amended letter to the LWDA to notify the LWDA pursuant to
11 PAGA of Plaintiff’s intent to seek civil penalties under PAGA for violations of Labor Code.
12 This new notice clarified the claims.

13 13. It is my understanding that on June 30, 2025, counsel for Defendant notified
14 Antonia Rodriguez’s (“Rodriguez”) counsel, Lawyers for Justice and Schneider Wallace
15 Cottrell Kim LLP, that a settlement had been reached in the Torres action that would resolve
16 the claims in the Rodriguez and Jose Francisco Hernandez-Garcia (“Garcia”) actions. Like
17 Rodriguez, Plaintiff Garcia is represented by Lawyers for Justice.

18 14. On July 14, 2025, Plaintiffs Garcia and Rodriguez, through their attorneys from
19 Lawyers for Justice and Schneider Wallace Cottrell Kim LLP, filed a petition to coordinate
20 their actions with the Torres action. On October 22, 2025 the honorable Theodore C. Zayner
21 from the Santa Clara Superior Court heard the petition and on October 27, 2025, it denied
22 Plaintiffs Garcia and Rodriguez’s petition for coordination, noting that they failed to carry
23 their burden of establishing that coordination of the actions would promote the ends of
24 justice.

25 15. On July 23, 2025, Plaintiff first filed a motion for approval of the Settlement to
26 be heard on September 11, 2025.

27 16. On September 2, 2025, I for the first time received a “NOTICE OF
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1 COMMENCEMENT OF INVESTIGATION AND STATUTORY TOLLING PURSUANT
2 TO LABOR CODE SECTION 90.6” (“Notice of Investigation”) from the California
3 Department of Industrial Relations, Labor Commissioner’s Office, Private Attorneys’ General
4 Act Unit (“DIR”) by email and USPS Certified Mail. This notice was received later than the
5 allowed 65 days under PAGA; September 2 being the 71st day after the June 23, 2025
6 amended PAGA letter was filed with the LWDA and served on Defendant by certified mail. A
7 true and correct copy of this September 2, 2025 email and attached Notice of Investigation is
8 attached hereto as Exhibit “A”.

9 17. Also on September 2, 2025, I responded to the DIR by email confirming that
10 this was the first time I was being served with a Notice of Investigation. A true and correct
11 copy of this September 2, 2025 email in response to the DIR is attached hereto as Exhibit
12 “B”.

13 18. On September 4, 2025, after the requisite 65 day waiting period under PAGA
14 had expired, Plaintiff filed a First Amended Complaint to clarify the claims which will be
15 released as part of the Settlement Agreement. No new Defendants were added to the case.

16 19. On September 12, 2025, Staff Attorney Annette D. Kirkham of the DIR emailed
17 me and asked that we schedule a call to discuss the Settlement. A true and correct copy of this
18 September 12, 2025 email from the DIR is attached hereto as Exhibit “C”.

19 20. On September 15, I responded to attorney Kirkham and expressed my position
20 that the DIR Notice of Investigation was late and that Plaintiff Torres is thus able to proceed
21 with his approval motion with the Court. I also informed her with my email that the Torres
22 case had been reassigned to honorable Judge William D. Claster and that the motion for
23 PAGA Approval hearing was taken off calendar. Additionally, I advised her that the court
24 ordered that Plaintiff contact the clerk in Department CX101 within 15 days of receipt of this
25 order to reset the hearing of his motion for approval of the PAGA Settlement. Even though
26 Plaintiff’s position was that the DIR did not have jurisdiction to investigate due to their late
27 Notice of Investigation, Plaintiff volunteered to meet with attorneys from the DIR and
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1 provide them with whatever information and documents I could disclose. A true and correct
2 copy of this September 15, 2025 email to the DIR and the Court's minute order are attached
3 hereto as Exhibit "D".

4 21. On September 15, 2025 (in accordance with the Court's September 4, 2025
5 minute order) Plaintiff again filed his motion for approval of PAGA settlement and was
6 assigned a hearing date of December 19, 2025 for this motion.

7 22. Between September 15, 2025 and September 29, 2025, I communicated with
8 the DIR to schedule a meeting with them and to provide the information and records they
9 wanted to review. The DIR requested that I provide all of Plaintiff Torres' time keeping, and
10 payroll records. They also requested that I provide all policy and training manuals that I
11 reviewed in advance of our mediation for all the brands for which Defendant GMRI employed
12 person in California. I provided all of these records to the DIR electronically, and by US mail
13 on a thumb drive. The policy manuals consisted of 47 files, totaling 1,140 pages of policy and
14 training materials from Defendant GRMI for brands including Olive Garden, Yard House,
15 Seasons 52, Eddie V's, LongHorn Steakhouse, The Capital Grille, and Ruth's Chris. A true
16 and correct copy of these emails is attached hereto as Exhibit "E".

17 23. On September 29, 2025, I had a video meeting with Annette Kirkham and
18 Patricia Kelly of the DIR to discuss the Settlement. During the meeting, I went through each
19 cause of action with them and explained our analysis in Plaintiff's motion for approval of
20 PAGA settlement. Specifically, I went through the details of our meal period violation
21 analysis, providing violation rates for Olive Garden and the other brands. I also again
22 informed them that there is only one entity that employed all of the aggrieved employees
23 during the relevant PAGA period. This employer was GMRI, Inc. and was the employer for
24 all persons working for Olive Garden, Yard House, Seasons 52, Eddie V's, LongHorn
25 Steakhouse, The Capital Grille, and Ruth's Chris in California. As such, these other brands
26 are not separate entities. I also informed them on this call that, as a part of our investigation
27 prior to mediation, we had contacted aggrieved employees to interview them about their
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1 employment with GMRI, including at least one from each of the brands for which Defendant
2 employed persons in California during the relevant period. Due to not having time to review
3 the voluminous policy documents I had provided, Ms. Kirkham said she would review the
4 documents I sent her and follow-up with any other questions. I informed Ms. Kirkham that the
5 policy documents that were not branded, or had GMRI or Darden (GMRI's parent company)
6 logos, were used for training or policy purposes by all of the brands. Other policy manuals
7 with specific brand names on them were only given to GMRI employees who worked for that
8 particular restaurant. We also discussed that even with these different policy manuals for
9 specific brands, the policies contained in these manuals were identical for the most part.

10 24. After our call the DIR emailed me asking me to provide copies of expert
11 materials, including our economist's analysis, and survey expert's questionnaire. They also
12 requested copies of the questionnaires completed by my office. I respectfully objected to
13 providing the questionnaires due to privacy concerns for aggrieved employees, and because
14 they are protected by the work product doctrine and/or attorney client privilege. I also
15 objected to providing our experts' work product as these items are also attorney and expert
16 work product and privileged. I again reminded the DIR that Defendant's counsel has made
17 multiple attempts to engage with the DIR and provide any information or data they requested.
18 A true and correct copy of these follow-up emails is attached hereto as Exhibit "F".

19 25. On Friday, November 14, 2025, the DIR contacted myself and counsel for
20 Defendant asking that the motion for approval of PAGA settlement set to be heard on
21 December 19, 2025 be taken off calendar. On November 17, 2025, I responded on behalf of
22 Plaintiff Torres that we maintain our position that the DIR's Notice of Investigation was late
23 and therefore Plaintiff could proceed with his motion. I again suggested that the DIR contact
24 Defendant GMRI's counsel, who had offered to meet with them to discuss the Settlement. I
25 also invited them to have another discussion with me. Further, Julie Dunne, Partner from
26 DLA Piper and counsel for Defendant GMRI, responded to the DIR's email stating a similar
27 position. A true and correct copy of these follow-up emails from November 14 and 17, 2025
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1 between the Parties and the DIR are attached hereto as Exhibit "G".

2 26. To date, I do not believe the DIR has ever contacted Defendant GMRI or its
3 counsel to discuss anything, let alone to investigate the violations raised in Plaintiff Torres'
4 PAGA notices.

5 27. The DIR also never responded to my email of November 17, 2025. The next
6 time I heard from the DIR was when we were served Plaintiff with the Comments of DLSE
7 Regarding Motion for Approval of Settlement Agreement and Declaration of Annette D.
8 Kirkham ("DLSE Comments") on December 8, 2025.

9 28. Plaintiff Torres maintains that he is the deputized representative of the
10 aggrieved employees as articulated in his second amended PAGA notice and the operative
11 complaint in this matter. I urge the Court to review the Settlement and determine that it is
12 approved.

13 I declare under penalty of perjury under the laws of the State of California that
14 the foregoing is true and correct. Executed on December 12, 2025 at Los Angeles, California.

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16 _____
17 SHOHAM J. SOLOUKI, Declarant
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EXHIBIT “A”



Shoham Solouki <shoham@soloukisavoy.com>

Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

Kelly, Patricia@DIR <PKelly@dir.ca.gov>

Tue, Sep 2, 2025 at 10:34 AM

To: "shoham@soloukisavoy.com" <shoham@soloukisavoy.com>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>, "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>

Counsel-Attached is a Notice of Investigation in LWDA CLAIM NO. LWDA-CM-1044411-24.

You are not authorized to proceed on any claim listed in your June 23, 2025, PAGA notice.

Please take your Motion for Approval of your settlement off-calendar as you do not have authority to settle the claims you seek to settle.

If you have any questions, please feel free to contact me or DLSE attorney Annette Kirkham.

Thank you.

Patricia M. Kelly

Attorney

Department of Industrial Relations

Division of Labor Standards Enforcement

1515 Clay Street, Suite 1700

Oakland, CA 94612

(510) 907-1494



NOI for Qoaquin Nicolas Salvidar Torres Vs GMRI Inc_.pdf

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DEPARTMENT OF INDUSTRIAL RELATIONS

Labor Commissioner's Office
Private Attorneys' General Act Unit
1515 Clay Street, Suite 1700
Oakland, CA 94612
Tel. (510) 286-1340



August 27, 2025

Shoham Solouki, Esq.,
Solouki Savoy LLP
316 W. 2nd Street, Suit 1200
Los Angeles, CA 90012
Certified Mail # 9589 0710 5270 1420 2289 89

Olive Garden Italian Restaurant
16881 Beach Blvd
Huntington Beach, CA 92647
Certified Mail # 9589 0710 5270 1420 2289 72

GMRI, INC.
7801 Folsom Boulevard #202
Sacramento, CA 95826
Certified Mail # 9589 0710 5270 1420 2303 19

Darden Restaurants / Darden Restaurants, Inc
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2303 02

Yard House Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2302 96

Eddie V's Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2302 89

Seasons 52 Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2302 72

The Capital Grille Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2302 65

LongHorn Steakhouse Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2302 41

Ruth's Chris Steak House Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2302 58

Chuy's Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2289 96

Cheddar's Scratch Kitchen Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail #9589 0710 5270 1420 2290 09

Bahama Breeze Restaurants
1000 Darden Center Drive
Orlando, FL 32837
Certified Mail # 9589 0710 5270 1420 2290 16

**NOTICE OF COMMENCEMENT OF INVESTIGATION AND
STATUTORY TOLLING PURSUANT TO LABOR CODE SECTION 90.6**

Re: PAGA Notice of Joaquin Nicolas Saldivar Torres v. Olive Garden Italian Restaurant & GMRI, INC.
CLAIM NO. LWDA-CM-1044411-24

To whom it may concern:

PLEASE TAKE NOTICE that the Labor Workforce Development Agency ("LWDA"), through the Labor Commissioner, intends to investigate, and has commenced an investigation of, Olive Garden Italian Restaurant, GMRI, INC., Darden Restaurants / Darden Restaurants, Inc., Yard House Restaurants, Eddie V's Restaurants, Seasons 52 Restaurants, The Capital Grille Restaurants, LongHorn Steakhouse Restaurants, Ruth's Chris Steak House Restaurants, Chuy's Restaurants, Cheddar's Scratch Kitchen Restaurants, Bahama Breeze Restaurants, and their owners, directors, officers, managing agents and other persons acting on behalf of either of them. The Labor Commissioner will investigate the alleged Labor Code violation(s) identified in the notice submitted to the LWDA on June 23, 2025, by Shoham Solouki as well as any other potential violations of the Labor Code, applicable wage order of the Industrial Welfare Commission or applicable local minimum wage or overtime law.

Pursuant to Labor Code section 90.6, any applicable statute of limitations for determining the "period of time for which wages, penalties, damages, or other amounts which may be assessed by the Labor Commissioner" will be tolled for a period of twelve months from the date of this notice. This written notice is provided pursuant to Labor Code §90.6. The Labor Code sections subject to tolling under this notice are listed in Labor Code §90.6(b). After expiration of this twelve-month period, the statute of limitations for any of the potential violations under investigation will resume running.

Note that any applicable statute of limitations for claims alleged in the June 23, 2025 notice by Shoham Solouki is also subject to tolling pursuant to Labor Code section 2698 et seq. from the date of the relevant PAGA notice during the Labor Commissioner's investigation.

The time period covered by this investigation is June 24, 2022, through the date of any citation or lawsuit by the Labor Commissioner.

If you have questions concerning this notice, please send an email to PAGAInfo@dir.ca.gov or call the PAGA Unit at 510-286-1340.

Sincerely,

PAGA Unit

EXHIBIT “B”



Shoham Solouki <shoham@soloukisavoy.com>

Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

Shoham Solouki <shoham@soloukisavoy.com>

Tue, Sep 2, 2025 at 7:49 PM

To: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "Kirkham, Annette@DIR" <akirkham@dir.ca.gov>

Cc: "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Counsel,

I confirm that today was the first time we received any notice from the Department of Industrial Relations of its intention to investigate, by this email. We also received a letter that was delivered to our office today by Certified US Mail. We will contact you if we have any questions.

Regards,

Shoham J. Solouki, Esq.

Partner



316 W. 2nd Street, Suite 1200

Los Angeles, California 90012

Office: 213.814.4940

Fax: 213.814.2550

Direct: 213.814.4945

Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

EXHIBIT “C”



Shoham Solouki <shoham@soloukisavoy.com>

Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

Fri, Sep 12, 2025 at 10:13 AM

To: "shoham@soloukisavoy.com" <shoham@soloukisavoy.com>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>

Dear Messers. Solouki and Savoy,

I write regarding the LWDA's Notice of Investigation, LWDA CLAIM NO. LWDA-CM-1044411-24 and to ask whether you are available to discuss the settlement in the above-referenced matter, including how you valued the claims against the various entities involved in this settlement.

Please let me know your availability on Thursday, September 18 or Friday September 19. To help facilitate our discussion please provide us with a copy of your client's wage statements and any other relevant documents which establish liability for each of the named entities in the settlement.

Thank you,

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

Division of Labor Standards Enforcement

[224 Airport Parkway, Suite 300](#)[San Jose, CA 95110](#)

Direct: (408) 277-9682

Work cell: (415) 792-3029

Email: AKirkham@dir.ca.gov**** Notice****

This e-mail message is confidential, is intended only for the named recipient(s) above, and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error, or are not a named recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this message in error, please immediately notify the sender by return e-mail and delete this e-mail message from your computer. Thank you.

EXHIBIT “D”



Shoham Solouki <shoham@soloukisavoy.com>

Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

Shoham Solouki <shoham@soloukisavoy.com>

Mon, Sep 15, 2025 at 11:55 AM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>, "Kelly, Patricia@DIR" <pkelly@dir.ca.gov>

Cc: "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Dear Mses. Kirkham and Kelly:

Thank you for reaching out again regarding the settlement of the Joaquin N. Saldivar Torres v. GMRI, Inc. matter (Orange County Superior Court Case No. 30-2024-01434800-CU-OE-CXC) (the "Torres Matter").

As an update, on September 3, 2025 the Torres Matter was reassigned to honorable William Claster. All pending hearings were taken off calendar. The Court ordered that all hearings be reset within 15 days. Please see the minute order attached. For the reasons stated below, we do intend to comply with the court's order to reset the hearing on Plaintiff's Motion for Approval of the PAGA Settlement. We are however happy to discuss this with you further.

California's Private Attorneys General Act ("PAGA") was enacted in 2004 to supplement the state's ability to enforce labor laws when its own resources are insufficient, allowing aggrieved employees to sue employers for civil penalties on behalf of the state for violations of the California Labor Code. PAGA empowers individual workers to act as "private attorneys general," thereby encouraging greater compliance with worker protection laws and holding employers accountable for their actions.

Solouki & Savoy, LLP have been representing such private attorneys general in their claims on behalf of the State of California since 2013, with success for both the State and Aggrieved Employees. We take our role in this process very seriously. As you know, California Labor Code Section 2699.3(2)(A) states that, "The agency shall notify the employer and the aggrieved employee or representative by certified mail that it does not intend to investigate the alleged violation within 60 calendar days of the postmark date of the notice received pursuant to paragraph (1). Upon receipt of that notice or if no notice is provided within 65 calendar days of the postmark date of the notice given [], the aggrieved employee may commence a civil action pursuant to Section 2699."

Here, on August 8, 2024 Plaintiff Joaquin N. Saldivar Torres initially provided notice to the State pursuant to California Labor Code Section 2699.3, et seq. Subsequently, Plaintiff amended his PAGA notice on May 8, 2025 and again on June 23, 2025; both times electronically filing the notices and serving them by certified US mail.

On September 2, 2025, we for the first time received notice from you of your intent to investigate in LWDA Claim No. LWDA-CM-1044411-24. This notice was received 71 days after the second amended notice was served on June 23, 2025; beyond the time allowed under California Labor Code Section 2699.3(2)(A). Thus, Plaintiff Torres can proceed to act as a private attorneys general, and seek recovery of PAGA penalties on behalf of the State and Aggrieved Employees.

Nonetheless without waiving this position, we would appreciate the Department of Industrial Relations' approval of and support with this settlement. We are confident the DIR will agree with our assessment of the settlement. As such, we are open to providing the information you are requesting and discussing the settlement. I am unfortunately not available on September 18 or 19. I am available on September 23 and 24 in the afternoon for a call. Please let me know if that works for you. I look forward to speaking with you.

Best regards,

Shoham J. Solouki, Esq.

Partner



316 W. 2nd Street, Suite 1200

Los Angeles, California 90012

Office: 213.814.4940

Fax: 213.814.2550

Direct: 213.814.4945

Email: Shoham@SoloukiSavoy.com

On Fri, Sep 12, 2025 at 10:13 AM Kirkham, Annette@DIR <AKirkham@dir.ca.gov> wrote:

Dear Messers. Solouki and Savoy,

I write regarding the LWDA's Notice of Investigation, LWDA CLAIM NO. LWDA-CM-1044411-24 and to ask whether you are available to discuss the settlement in the above-referenced matter, including how you valued the claims against the various entities involved in this settlement.

Please let me know your availability on Thursday, September 18 or Friday September 19. To help facilitate our discussion please provide us with a copy of your client's wage statements and any other relevant documents which establish liability for each of the named entities in the settlement.

Thank you,

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

30-2024-01434800-CU-OE-CJC

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Minute Order 9.4.25.pdf

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center Drive
Santa Ana, CA 92702

SHORT TITLE: SALDIVAR TORRES vs. GMRI, INC.**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE****CASE NUMBER:**
30-2024-01434800-CU-OE-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 09/03/25 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 9/3/25. Following standard court practice the mailing will occur at Sacramento, California on 9/4/25.

LAWYERS FOR JUSTICE, PC
450 N BRAND BOULEVARD 600
GLENDALE, CA 91203

Clerk of the Court, by:  , Deputy

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 09/03/25, was transmitted electronically by an Orange County Superior Court email server on September 3, 2025, at 9:33:07 AM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

DLA PIPER LLP (US)
ANDREA.BERGAM@US.DLAPIPER.COM

DLA PIPER LLP (US)
JOSEPH.KIM@US.DLAPIPER.COM

DLA PIPER LLP (US)
JULIE.DUNNE@US.DLAPIPER.COM

DLA PIPER LLP (US)
STEPHEN.TAEUSCH@US.DLAPIPER.COM

LAVI & EBRAHIMIAN, LLP
DKELLER@LELAWFIRM.COM

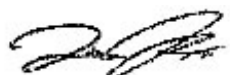
LAVI & EBRAHIMIAN, LLP
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VGRANBERRY@LELAWFIRM.COM

SOLOUKI & SAVOY, LLP
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SOLOUKI & SAVOY, LLP
INFO@SOLOUKISAVOY.COM

Clerk of the Court, by:  , Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 09/03/2025 TIME: 09:16:00 AM DEPT: C23

JUDICIAL OFFICER PRESIDING: Supervising Judge David J. Hesseltine

CLERK: J. Phu

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: M. DePaul

CASE NO: **30-2024-01434800-CU-OE-CJC** CASE INIT.DATE: 10/21/2024

CASE TITLE: **SALDIVAR TORRES vs. GMRI, INC.**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 74648985

EVENT TYPE: Chambers Work

APPEARANCES

There are no appearances by any party.

Having been referred to the Supervising Judge by Department C33, the Court hereby designates this matter as complex because it includes a cause of action under the Private Attorneys General Act (PAGA), and issues the following rulings:

The Court finds that this case is exempt from the case disposition time goals imposed by California Rule of Court, rule 3.714 due to exceptional circumstances and estimates that the maximum time required to dispose of this case will exceed twenty-four months due to the following case evaluation factors of California Rules of Court, rules 3.715 and 3.400: Case is Complex.

Each party who has not paid the Complex fee of \$ 1,000.00 as required by Government Code section 70616 shall pay the fee to the Clerk of the Court within 10 calendar days from date of this minute order. Failure to pay required fees may result in the dismissal of complaint/cross-complaint or the striking of responsive pleadings and entry of default.

The Court hereby takes notice that the following cases are related to above-entitled matter: 30-2025-01484361, *Harris vs. GMRI, Inc.*

This case is reassigned to the Honorable William Claster for all purposes.

The Court determines that for purposes of exercising C.C.P. 170.6 rights, there are two sides to this matter unless the contrary is brought to the attention of the Court, by Ex-Parte motion. Counsel has 15 days from the date of the enclosed certificate of mailing in which to exercise any rights under C.C.P. 170.6.

All pending hearing dates in Department C33 are vacated.

Counsel to contact clerk in Department CX101 within 15 days of receipt of this order to reschedule any

pending hearings.

The Court sets a Case Management Conference for 09/30/2025 at 08:30 AM in Department CX101.

This case is subject to mandatory electronic filing pursuant to Superior Court Rules, County of Orange, Rule 352. Plaintiff shall give notice of the electronic filing requirement to all parties of record or known to plaintiff and shall attach a copy of this minute order.

The Court issues the below Case Management Conference Order:

Prior to the Initial Case Management Conference, counsel for all parties are ordered to meet and confer to discuss the following topics. Additionally, counsel shall be prepared to discuss these issues with this Court at the Initial Case Management Conference:

1. Parties and the addition of parties;
2. Claims and defenses;
3. Issues of law that, if considered by the Court, may simplify or foster resolution of the case.
4. Appropriate alternative dispute resolution (ADR) mechanisms (e.g., mediation, mandatory settlement conference, arbitration, mini-trial, etc.);
5. A plan for preservation of evidence;
6. A plan for disclosure and discovery;
7. Whether it is possible to plan "staged discovery" so that information needed to conduct meaningful ADR is obtained early in the case, allowing the option to complete discovery if the ADR effort is unsuccessful;
8. Whether a structure of representation such as liaison/lead counsel is appropriate for the case in light of multiple plaintiffs and/or multiple defendants;
9. Procedures for the drafting of a Case Management Order, if appropriate;
10. Any issues involving the protection of evidence and confidentiality.

Counsel for plaintiff is to take the lead in preparing a Joint Initial Case Management Conference report to be filed on or before 09/23/2025.

The Joint Initial Case Management Conference Report is to include the following:

1. A list of all parties and counsel;
2. A statement as to whether additional parties are likely to be added and a proposed date by which all parties must be served;
3. An outline of the claims and cross-claims and the parties against whom each claim is asserted;
4. Service lists and procedures for efficient service filing;
5. Whether any issues of jurisdiction or venue exist that might affect this Court's ability to proceed with

this case;

6. Applicability and enforceability of arbitration clauses;
7. A list of all related litigation pending in other courts, a brief description of any such litigation, and a statement as to whether any additional related litigation is anticipated;
8. A description of core factual and legal issues;
9. A description of legal issues that, if decided by the Court, may simplify or further resolution of the case;
10. Whether discovery should be conducted in phases or limited; and if so, the order of phasing or types of limitations on discovery;
11. Whether particular documents and witness information can be exchanged by agreement of the parties;
12. The parties' tentative views on an ADR mechanism and how such mechanism might be integrated into the course of the litigation;
13. The usefulness of a written case management order; and
14. A target date and a time estimate for trial.

To the extent the parties are unable to agree on the matters to be addressed in the Joint Initial Case Management Conference Report, the positions of each party or of various parties shall be set forth separately. The parties are NOT to use the case management conference form for non-complex cases (Judicial Council Form CM-110).

Plaintiff shall give notice of the Case Management Conference and serve a copy of this order upon any defendants presently or subsequently served.

ATTORNEYS APPEARING AT THE CASE MANAGEMENT CONFERENCE MUST BE FULLY FAMILIAR WITH THE PLEADINGS AND THE AVAILABLE FACTUAL INFORMATION, AND MUST ALSO HAVE THE AUTHORITY TO ENTER INTO STIPULATIONS. THESE REQUIREMENTS SHALL ALSO APPLY TO ANY FUTURE STATUS CONFERENCES HELD IN THIS CASE.

INFORMAL DISCOVERY CONFERENCES: With rare exception, the Court requires that an informal discovery conference be held prior to the filing of any motion to compel discovery. Informal discovery conferences are held Monday through Thursday and are scheduled based on the Court's availability. Counsel are to contact the clerk at (657) 622-5301 for further information and to schedule an informal discovery conference.

Court orders Clerk to give notice. Plaintiff is to give notice to any party not listed on the Clerk's Certificate of Mailing/Electronic Service.

EXHIBIT “E”

Thank you for your response. I am available between 11:00am and 2:00pm on Wednesday, September 24. Before our call, please also email copies of your client's wage statements and any other documents relevant to establish liability for the other entities included in your settlement.

Please let me know your availability.

Best regards,

Annette

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

Division of Labor Standards Enforcement

224 Airport Parkway, Suite 300 send us

San Jose, CA 95110

Direct: (408) 277-9682

Work cell: (415) 792-3029

Email: AKirkham@dir.ca.gov

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From: Shoham Solouki <shoham@soloukisavoy.com>

Sent: Monday, September 15, 2025 11:55 AM

To: Kirkham, Annette@DIR <AKirkham@dir.ca.gov>; Kelly, Patricia@DIR <PKelly@dir.ca.gov>

Cc: grant@soloukisavoy.com

Subject: Re: Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

[Quoted text hidden]

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Shoham Solouki <shoham@soloukisavoy.com>

Tue, Sep 16, 2025 at 11:23 AM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>, "Kelly, Patricia@DIR" <pkelly@dir.ca.gov>
Cc: "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Dear Ms. Kirkham,

Wednesday, September 24, 2025 at 11am works for me. What is the best number to reach you?

The subject settlement includes only one entity, GMRI, Inc. ("GMRI"). The release also includes Darden Restaurants, Inc ("Darden"), which is the parent company of GMRI that is not itself registered as an entity in California. Darden is however sometimes used as a DBA for GMRI in California. GRMI/Darden have multiple brands in California including Yard House, Olive Garden, Eddie V's Prime Seafood Restaurant, Seasons 52, The Capital Grille, Ruth's Chris Steak House, and LongHorn Steakhouse restaurants. These are not separate entities. All persons working for these brands are employees of GRMI/Darden. I hope that clarifies things. We will provide you with Plaintiff's wage statements before our call. I look forward to speaking with you.

Best regards,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

Thu, Sep 18, 2025 at 9:57 AM

To: Shoham Solouki <shoham@soloukisavoy.com>, "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>
Cc: "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Dear Mr. Solouki,

Thank you for your email. I look forward to discussing this matter with you further on September 24. Before our call, please also send us a copy of the policy and procedures manuals for GMRI and Darden Restaurants, Inc. If there are additional policy manuals for the Olive Garden and each of the restaurants listed below, please send us copies of those as well.

I appreciate your assistance with this matter.

Best regards,

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

Division of Labor Standards Enforcement

224 Airport Parkway, Suite 300

San Jose, CA 95110

[Quoted text hidden]

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>

Thu, Sep 18, 2025 at 10:29 AM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Dear Ms. Kirkham,

I will send you the requested policy materials, along with Plaintiff's wage statements and other pay records by Monday.

Thank you,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>

Mon, Sep 22, 2025 at 10:39 AM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Dear Ms. Kirkham,

Per your request, please see Plaintiff's pay stubs and wage compensation records attached. Additionally, you can access policy and procedures manuals for GMRI, Darden Restaurants, Inc., and/or the restaurants at the following file share: <https://www.dropbox.com/scl/fo/1ozkfgg09q7veke50ay3f/AJuAk6tlpQQ8tmUglioNrDA?rlkey=9xgmsn4x88843pcg5gfb9hxlk&st=4km5ct7g&dl=0> . We ask that you keep these records confidential. Please confirm receipt and let me know if you have any questions. I look forward to speaking with you on Wednesday.

Best regards,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

4 attachments

Joaquin Saldivar Torres - Wage Compensation Reports.pdf
79K

 **2024_Joaquin Saldivar Torres Pay Stubs.pdf**
187K

 **2023_Joaquin Saldivar Torres Pay Stubs.pdf**
3560K

2025_Joaquin Saldivar Torres Pay Stubs.pdf
3031K

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

Mon, Sep 22, 2025 at 10:41 AM

To: Shoham Solouki <shoham@soloukisavoy.com>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Dear Mr. Solouki,

Thank you for forwarding these documents. I appreciate your cooperation and assistance with this matter.

Best regards,

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

Division of Labor Standards Enforcement

224 Airport Parkway, Suite 300

San Jose, CA 95110

Direct: (408) 277-9682

Work cell: (415) 792-3029

Email: AKirkham@dir.ca.gov

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From: Shoham Solouki <shoham@soloukisavoy.com>

Sent: Monday, September 22, 2025 10:39 AM

To: Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

Cc: Kelly, Patricia@DIR <PKelly@dir.ca.gov>; grant@soloukisavoy.com

Subject: Re: Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

CAUTION: [External Email]

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Dear Ms. Kirkham,

Per your request, please see Plaintiff's pay stubs and wage compensation records attached. Additionally, you can access policy and procedures manuals for GMRI, Darden Restaurants, Inc., and/or the restaurants at the following file share: <https://www.dropbox.com/scl/fo/1ozkfgg09q7veke50ay3f/AJuAk6tlpQQ8tmUglioNrDA?rlkey=9xgmsn4x88843pcg5gfb9hxlk&st=4km5ct7g&dl=0> . We ask that you keep these records confidential. Please confirm receipt and let me know if you have any questions. I look forward to speaking with you on Wednesday.

Best regards,

Shoham J. Solouki, Esq.

Partner



316 W. 2nd Street, Suite 1200

Los Angeles, California 90012

Office: 213.814.4940

Fax: 213.814.2550

Direct: 213.814.4945

Email: Shoham@SoloukiSavoy.com

On Thu, Sep 18, 2025 at 10:29 AM Shoham Solouki <shoham@soloukisavoy.com> wrote:

Dear Ms. Kirkham,

I will send you the requested policy materials, along with Plaintiff's wage statements and other pay records by Monday.

Thank you,

Shoham J. Solouki, Esq.

Partner

[Redacted signature]

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[Quoted text hidden]

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[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Redacted signature]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

To: Shoham Solouki <shoham@soloukisavoy.com>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Mon, Sep 22, 2025 at 1:33 PM

Dear Mr. Solouki,

I am unable to open the document via Dropbox due to an internal firewall issue. Can you share it via a zip drive or SharePoint?

Best regards,

Annette Kirkham
[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Mon, Sep 22, 2025 at 1:50 PM

I can definitely put it on a flash drive and mail it to you, but it may not get to you until Wednesday. We do not have access to SharePoint. Is there a share you can set up for us to upload the files to?

Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>
To: Shoham Solouki <shoham@soloukisavoy.com>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Mon, Sep 22, 2025 at 2:03 PM

I will find out if we can get a shared drive set up.

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Mon, Sep 22, 2025 at 2:24 PM

Thank you. Also, I just realized not all of the 2023 Pay Stubs were attached to my previous email. See additional 2023 pay stubs attached.

Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

2023_Joaqun Saldivar Torres 102866536.pdf
3645K

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Wed, Sep 24, 2025 at 8:44 AM

Good morning,

Were you able to get a shared drive setup? Do you still want to have our call today, or would you like to postpone it so you have time to look over the policy documents?

Thank you,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>
To: Shoham Solouki <shoham@soloukisavoy.com>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Wed, Sep 24, 2025 at 8:55 AM

Good morning,

I have not yet been able to set up the shared drive. I think postponing the call would be best. Would you mail a flash drive with the policy and procedures manual to my attention at the address below?

Please let me know your availability for a call on Monday, September 29.

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Wed, Sep 24, 2025 at 10:19 AM

Yes, we will mail a flash drive with the documents to you today. I will provide a tracking number once it is sent. Anytime after 1pm works for me on Monday. Let me know what works for you or just send me a calendar invite.

Thank you,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>
To: Shoham Solouki <shoham@soloukisavoy.com>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Wed, Sep 24, 2025 at 10:22 AM

Thank you. Do you also have copies of employee/management training materials for GMRI/Darden? If so, please also include those.

I appreciate your continued assistance.

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Wed, Sep 24, 2025 at 10:26 AM

Yes, management training materials will be included.

Thank you,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Wed, Sep 24, 2025 at 11:43 PM

The US Postal Service tracking number is ER236534775US. The package will be delivered by September 25 at 6pm. Let me know if for some reason you do not receive it.

Thank you,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550
Direct: 213.814.4945
Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

Shoham Solouki <shoham@soloukisavoy.com>
To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Mon, Sep 29, 2025 at 11:09 AM

Good morning,

I just checked the tracking for the documents that I sent on Wednesday and see that they have not arrived yet. It was s
Day, so I am shocked they have not arrived. The tracking does show that it should be delivered today. My apologies fo
to talk today, or if you need some time to review. Either way is fine with me.

SPS Priority Mail Express 1-
. Let me know if you still want

Best regards,
Shoham J. Solouki, Esq.
Partner

316 W. 2nd Street, Suite 1200
Los Angeles, California 90012
Office: 213.814.4940
Fax: 213.814.2550

Best regards,

Annette Kirkham

From: Shoham Solouki <shoham@soloukisavoy.com>
Sent: Monday, September 29, 2025 11:10 AM
To: Kirkham, Annette@DIR <AKirkham@dir.ca.gov>
Cc: Kelly, Patricia@DIR <PKelly@dir.ca.gov>; grant@soloukisavoy.com
Subject: Re: Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

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Good morning,

I just checked the tracking for the documents that I sent on Wednesday and see that they have not arrived yet. It was sent USPS Priority Mail Express 1-Day, so I am shocked they have not arrived. The tracking does show that it should be delivered today. My apologies for this. Let me know if you still want to talk today, or if you need some time to review. Either way is fine with me.

Best regards,

Shoham J. Solouki, Esq.

Partner

316 W. 2nd Street, Suite 1200

Los Angeles, California 90012

Office: 213.814.4940

Fax: 213.814.2550

Direct: 213.814.4945

Email: Shoham@SoloukiSavoy.com

On Wed, Sep 24, 2025 at 11:43 PM Shoham Solouki <shoham@soloukisavoy.com> wrote:

The US Postal Service tracking number is ER236534775US. The package will be delivered by September 25 at 6pm. Let me know if for some reason you do not receive it.

Thank you,

Shoham J. Solouki, Esq.

Partner

EXHIBIT “F”



Shoham Solouki <shoham@soloukisavoy.com>

Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC2 messages

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

Thu, Oct 2, 2025 at 12:15 PM

To: "shoham@soloukisavoy.com" <shoham@soloukisavoy.com>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>

Mr. Solouki,

Thank you for providing us with the policies and procedures manuals. Please confirm these are all the training manuals you have.

Please provide us with an index of the documents you sent and send us the cover sheet for each document. It is unclear from the production whether the documents are applicable to restaurants other than the Olive Garden. For example, GMRI_Mediation_0000305 (server training) applies only to Olive Garden.

Finally, please send us a copy of the employee interview questionnaire and employee responses (including the job title, restaurant, and location of that employee), along with the statistical analysis of claims broken down by restaurant.

I appreciate your continued assistance and cooperation.

Best regards,

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

Division of Labor Standards Enforcement

[224 Airport Parkway, Suite 300](#)

[San Jose, CA 95110](#)

Direct: (408) 277-9682

Work cell: (415) 792-3029

Email: AKirkham@dir.ca.gov

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Shoham Solouki <shoham@soloukisavoy.com>

Mon, Nov 17, 2025 at 1:30 PM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>

Cc: "grant@soloukisavoy.com" <grant@soloukisavoy.com>, "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>

Good afternoon Ms. Kirkham,

I hope all is well. All of the policy documents that Defendant produced to us within bates range 1 through 1139, and that have either no branding or Darden branding, are used by all brands/restaurants. The one exception is the Server document with the file name GMRI_Mediation_0000305. This document is only used for Olive Garden employees.

As far as the questionnaire, responses, and our expert's analysis go, we are concerned that producing these will create privacy, attorney-client privilege, and work product issues; including potential waiver of these protections. We are happy to discuss this further with you if you would like. I am also aware that Defense counsel had reached out to the DIR in September but has not received a response. Please let me know if you want me to help get you in contact with them.

Regards,

Shoham J. Solouki, Esq.

Partner



316 W. 2nd Street, Suite 1200

Los Angeles, California 90012

Office: 213.814.4940

Fax: 213.814.2550

Direct: 213.814.4945

Email: Shoham@SoloukiSavoy.com

[Quoted text hidden]

EXHIBIT “G”



Shoham Solouki <shoham@soloukisavoy.com>

Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

3 messages

Kirkham, Annette@DIR <AKirkham@dir.ca.gov>

Fri, Nov 14, 2025 at 10:35 AM

To: "shoham@soloukisavoy.com" <shoham@soloukisavoy.com>, "grant@soloukisavoy.com" <grant@soloukisavoy.com>, "andrea.bergam@us.dlapiper.com" <andrea.bergam@us.dlapiper.com>, "joseph.kim@us.dlapiper.com" <joseph.kim@us.dlapiper.com>, "julie.dunne@us.dlapiper.com" <julie.dunne@us.dlapiper.com>
Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>

Counsel,

As you are aware, LWDA issued a Notice of Investigation for the above-referenced matter on August 27, 2025. Because LWDA is investigating this matter, you are not authorized to proceed on any claim listed in the June 23, 2025, PAGA notice until LWDA has completed the investigation. Therefore, please take the Motion for Final Approval of the settlement off-calendar as you do not have authority to settle the claims you seek to settle.

Thank you,

Annette D. Kirkham, Staff Attorney (she/her)

State of California

Department of Industrial Relations

Division of Labor Standards Enforcement

[224 Airport Parkway, Suite 300](#)[San Jose, CA 95110](#)

Direct: (408) 277-9682

Work cell: (415) 792-3029

Email: AKirkham@dir.ca.gov**** Notice****

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Shoham Solouki <shoham@soloukisavoy.com>

Mon, Nov 17, 2025 at 1:30 PM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>

Cc: "grant@soloukisavoy.com" <grant@soloukisavoy.com>, "andrea.bergam@us.dlapiper.com"

<andrea.bergam@us.dlapiper.com>, "joseph.kim@us.dlapiper.com" <joseph.kim@us.dlapiper.com>,

"julie.dunne@us.dlapiper.com" <julie.dunne@us.dlapiper.com>, "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>

Good afternoon Ms. Kirkham,

I hope all is well. With my email response to you on September 15, 2025, I notified you that on September 3, 2025 the Joaquin N. Saldivar Torres v. GMRI, Inc. matter (Orange County Superior Court Case No. 30-2024-01434800-CU-OE-CXC) (the "Torres Matter") was reassigned to honorable William Claster. All pending hearings were taken off calendar and the Court ordered that all hearings be reset within 15 days. As ordered by the Court, we timely reset the hearing and were provided a hearing date of December 19, 2025. Notice to the DIR was provided by uploading our moving papers though the Private Attorneys General Act ("PAGA") filing portal on September 15, 2025.

As I brought to your attention with my September 3, 2025 email, California Labor Code Section 2699.3(2)(A) states that, "The agency shall notify the employer and the aggrieved employee or representative by certified mail that it does not intend to investigate the alleged violation within 60 calendar days of the postmark date of the notice received pursuant to paragraph (1). Upon receipt of that notice or if no notice is provided within 65 calendar days of the postmark date of the notice given [], the aggrieved employee may commence a civil action pursuant to Section 2699."

Here, on August 8, 2024 Plaintiff Joaquin N. Saldivar Torres initially provided notice to the State pursuant to California Labor Code Section 2699.3, et seq. Subsequently, Plaintiff amended his PAGA notice on May 8, 2025 and again on June 23, 2025; both times electronically filing the notices and serving them by certified US mail.

On September 2, 2025, we for the first time received notice from you of your intent to investigate in LWDA Claim No. LWDA-CM-1044411-24. This notice was received 71 days after the second amended notice was served on June 23, 2025; beyond the time allowed under California Labor Code Section 2699.3(2)(A). Thus, it remains our position that Plaintiff Torres can proceed to have the Court decide on approval of the PAGA settlement.

We are happy to discuss this further with you if you would like.

Regards,

Shoham J. Solouki, Esq.

Partner



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[Quoted text hidden]

Dunne, Julie <Julie.Dunne@us.dlapiper.com>

Mon, Nov 17, 2025 at 1:47 PM

To: "Kirkham, Annette@DIR" <AKirkham@dir.ca.gov>, "shoham@soloukisavoy.com" <shoham@soloukisavoy.com>,

"grant@soloukisavoy.com" <grant@soloukisavoy.com>, "Bergam, Andrea" <andrea.bergam@us.dlapiper.com>

Cc: "Kelly, Patricia@DIR" <PKelly@dir.ca.gov>, "Dunne, Julie" <Julie.Dunne@us.dlapiper.com>, "Taeusch, Stephen"

<Stephen.Taeusch@us.dlapiper.com>

Hello Annette. It's nice to meet you by email. We are counsel of record for GMRI, Inc. in the *Torres* case.

We understand the DIR contends that it timely served a notice of intent to investigate the Labor Code violations identified in Mr. Torres' June 23, 2025, PAGA notice. However, the DIR had 60 days to decide whether to investigate

the Labor Code violations identified in Mr. Torres' June 23, 2025, PAGA notice. (See Labor Code section 2699.3(a)(2) (A), (B).) The DIR's letter expressing its intent to investigate is dated August 27, 2025, five days **after** its deadline to decide to investigate. Moreover, GMRI did not receive that notice until September 4, 2025. Based on the plain language of PAGA, GMRI is obligated to litigate the claims being advanced by Mr. Torres. See, e.g., Labor Code section 2699.3(2)(A) ("...if no notice is provided within 65 calendar days of the postmark date of the notice given pursuant to paragraph (1), the aggrieved employee may commence a civil action pursuant to [Section 2699](#).)

Moreover, Labor Code section 2699.3(a)(2)(B) gives the DIR with 120 days to investigate Labor Code violation(s) identified in a PAGA notice. In this case, that 120 days would lapse on December 25, 2025. Because Mr. Torres' motion for approval of the settlement is scheduled to be heard December 19, 2025, the hearing date is just three business days shy of the DIR's investigation deadline. We're not sure what investigation the DIR would be able to conduct in the days leading up to Christmas.

As GMRI communicated in the attached September 19, 2025, email, it welcomes the opportunity to meet with the DIR to discuss the *Torres* settlement. While GMRI has not yet received a response to its September 19, 2025, email, it is optimistic that any questions the DIR may have can be resolved prior to the December 19, 2025, hearing regarding Mr. Torres' motion for approval of the *Torres* settlement.

Julie Dunne

Partner

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DLA Piper LLP (US)
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From: Kirkham, Annette@DIR <AKirkham@dir.ca.gov>
Sent: Friday, November 14, 2025 10:36 AM
To: shoham@soloukisavoy.com; grant@soloukisavoy.com; Bergam, Andrea <andrea.bergam@us.dlapiper.com>; Kim, Joseph <Joseph.Kim@us.dlapiper.com>; Dunne, Julie <Julie.Dunne@us.dlapiper.com>
Cc: Kelly, Patricia@DIR <PKelly@dir.ca.gov>
Subject: Joaquin N. Saldivar Torres v. GMRI, Inc., Case No. 30-2024-01434800-CU-OE-CJC

 EXTERNAL MESSAGE

[Quoted text hidden]

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----- Forwarded message -----

From: "Dunne, Julie" <Julie.Dunne@us.dlapiper.com>

To: "mlsmith@dir.ca.gov" <mlsmith@dir.ca.gov>

Cc: "david.balter@dir.ca.gov" <david.balter@dir.ca.gov>, "Dunne, Julie" <Julie.Dunne@us.dlapiper.com>, Solouki Savoy <info@soloukisavoy.com>, "Taeusch, Stephen" <Stephen.Taeusch@us.dlapiper.com>, "Bergam, Andrea" <andrea.bergam@us.dlapiper.com>

Bcc:

Date: Wed, 17 Sep 2025 18:01:30 +0000

Subject: Torres v. GMRI - Investigation Of Mr. Torres' Claims

Hi, Michael. My name is Julie Dunne, and my firm DLA Piper represents GMRI in a PAGA civil lawsuit filed by Joaquin Torres. I've copied here counsel for Mr. Torres, Shoham Solouki. On September 4, 2025, my client received a notice from the PAGA Unit, indicating that the LWDA intended to investigate the claims of Labor Code violations identified in an LWDA notice that Mr. Torres submitted on June 23, 2025. While GMRI believes that the LWDA's decision to investigate Mr. Torres' claims is too late, GMRI welcomes the opportunity to meet with the LWDA to discuss Mr. Torres' claims. We understand that two representatives of the LWDA—Annette Kirkham and Patricia Kelley—have already reached out to Mr. Solouki. If members of your team would also like to speak with GMRI, please feel free to have them reach out to me. Thank you.

Julie Dunne

Partner

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Torres v. GMRI - Investigation Of Mr. Torres' Claims.eml
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