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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

JUN 10 2025

DAVID H. YAMASAKI, Clerk of the Court

BY M. NEVAREZ, DEPUTY

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

ALBERTO GUZMAN-CORTES, an
individual,

Plaintiff,

v.

WEALTHFRONT CORPORATION, a
Delaware corporation; and DOES 1 through
20, inclusive,

Defendants.

Case No.: 30-2024-01442089-CU-WT-CXC

*Assigned to the Honorable David A. Hoffer,
CX103*

**JOINT STIPULATION TO DISMISS
INDIVIDUAL CLAIMS WITH PREJUDICE
AND REPRESENTATIVE PAGA CLAIMS
WITHOUT PREJUDICE; [PROPOSED]
ORDER THEREON**

Action filed: November 22, 2024
Trial date: None Set

This Stipulation to Dismiss Individual Claims with Prejudice and Representative PAGA Claims without Prejudice is entered into by and between Plaintiff Alberto Guzman ("Plaintiff"), on behalf of himself, and The State of California Labor & Workforce Development Agency ("LWDA") and Defendant Wealthfront Corporation ("Defendant"), through their respective attorneys of record (Plaintiff and Defendant collectively referred to as the "Parties").

WHEREAS, on November 22, 2024, Plaintiff filed a complaint for damages against Defendant (the "Complaint") in the Superior Court of Orange County, Case No. 30-2024-01442089-CU-WT-CXC (the "Action");

WHEREAS, through the Action, Plaintiff alleges the following causes of action: (1) Retaliation (Lab. Code §98.6); (2) Retaliation (Lab. Code §§1102.5, 1102.6); (3) Wrongful Termination In Violation Of Public Policy; (4) Failure To Pay Wages (Cal. Labor Code §§201, 1194); (5) Failure To

1 Provide Meal And Rest Periods (Cal. Labor Code §§226.7, 512); (6) Failure To Provide Itemized Wage
2 And Hour Statements (Cal. Labor Code §§226, Et Seq.); (7) Waiting Time Penalties (Cal. Labor Code
3 §§201-203); (8) Private Attorney General Act (Cal. Labor Code §2699, Et Seq); and (9) Unfair
4 Competition (Bus. & Prof. Code §17200 Et Seq.)

5 **WHEREAS**, the Complaint includes a cause of action under the California Labor Code Private
6 Attorney General Act of 2004, California Labor Code §§2699 et seq. (“PAGA”), wherein Plaintiff sought
7 to recover PAGA penalties on an individual basis and representative basis on behalf of other alleged
8 aggrieved employees;

9 **WHEREAS**, Defendant’s alleged violations under the California Labor Code, and the derivative
10 claims, serve as the basis for Plaintiff’s PAGA cause of action;

11 **WHEREAS**, Defendant denies that there is any factual or legal basis for the claims in the Action;

12 **WHEREAS**, the Parties engaged in extensive informal document exchanges;

13 **WHEREAS**, the proposed PAGA class would only be comprised of 27 members;

14 **WHEREAS**, the Parties have engaged in productive arm’s length informal settlement negotiations
15 and reached a settlement of Plaintiff’s individual claims, which includes Plaintiff’s agreement to dismiss
16 his individual claims with prejudice;

17 **WHEREAS**, Plaintiff is limited to facts within his own knowledge, and cannot speak for other
18 allegedly aggrieved employees;

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

21 **WHEREAS**, this stipulation to dismiss the representative PAGA claims without prejudice shall be
22 served to the LWDA after Court approval;

23 **WHEREAS**, this Court may determine that the rights of other aggrieved employees will not be
24 prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff prosecutes the
25 action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf of the
26 alleged similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of
27 the Labor Commission; the alleged similarly-aggrieved employees have no private right of action in those
28 penalties and no entitlement to them. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220

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

9 **WHEREAS**, Defendant has fulfilled its obligations under the parties' settlement agreement and
10 Plaintiff wishes to dismiss his individual claims with prejudice and his representative PAGA claims
11 without prejudice.

12 **NOW, THEREFORE**, the parties stipulate and agree, and good cause having been shown, subject
13 to the Court's approval, as follows:

- 14 1. Plaintiff agrees to dismiss all individual claims in the Action with prejudice;
15 2. Plaintiff agrees to dismiss his representative claims under PAGA without prejudice.

16 **IT IS SO STIPULATED** between the parties.

17
18 DATED: June 6, 2025

SETYAN LAW, APC.

19
20 By: 

21 Samvel Setyan, Esq.
22 Attorneys for Plaintiff,
ALBERTO GUZMAN

23
24 DATED: June 6, 2025

FENWICK & WEST LLP

25
26 By: 

27 Daniel J. McCoy
28 Reanne Swafford-Harris, Esq.
Attorneys for Defendant
WEALTHFRONT CORPORATION

¹ Superseded by statute on unrelated ground.

1 **[PROPOSED] ORDER**

2 The Court, having considered the stipulation by the parties requesting the Court's approval to
3 dismiss Plaintiff's claims under PAGA, and good cause appearing therefor, it is hereby:

4 1. **ORDERED** that Plaintiff's representative PAGA claims are dismissed without prejudice.

5 2. **ORDERED** that Plaintiff's individual claims are dismissed with prejudice.

6 2. **ORDERED** that a copy of this Court Order shall be submitted to the Labor and Workforce
7 Development Agency within 10 days after entry of this order.

8
9 **IT IS SO ORDERED.**

10
11
12
13 DATED: 6/10/25



HON. DAVID A. HOFFER
JUDGE OF SUPERIOR COURT