

Samvel Setyan, Esq. (SBN 325831)
s.setyan@setyanlaw.com
SETYAN LAW, APC
150 S. Los Robles Ave., Ste 720
Pasadena, CA 91101
Telephone: (213) 618-3655
Facsimile: (213) 618-3568

Attorneys for Plaintiff
BRIAN ANYANWU

Kevin Wooden, Esq. (294946)
kevin@holdenlawgroup.com
HOLDEN LAW GROUP
P.O. Box 4559
Auburn, CA 95604
Telephone: 530.888.0901
Facsimile: 530.888.0902
Attorneys for Defendant
DIGISTREAM BAY AREA, INC.

FILED
Superior Court of California
County of Alameda
06/22/2026
Clad Fluke, Executive Officer / Clerk of the Court
By: A. Mendola Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

BRIAN ANYANWU, an individual,
Plaintiff,

v.

DIGISTREAM BAY AREA, INC., a
California corporation; and DOES 1 through
20, inclusive,
Defendants.

Case No.: 25CV122087

*Assigned to the Honorable Joscelyn Jones, Dept.
19*

**JOINT STIPULATION TO DISMISS PAGA
CLAIMS WITHOUT PREJUDICE;
~~PROPOSED~~ ORDER THEREON**

Action filed: May 7, 2025
Trial date: March 10, 2028

Plaintiff Brian Anyanwu ("Plaintiff"), on behalf of himself and The State of California Labor & Workforce Development Agency ("LWDA"), through his attorney of record, Setyan Law, APC, and Defendant DIGISTREAM BAY AREA, INC. ("Defendants"), through its attorneys of record (Plaintiff and Defendant are collectively referred to as the "Parties"), hereby stipulate and agree, as follows:

**WHEREAS, Plaintiff Brian Anyanwu's Complaint in this matter was filed on
May 7, 2025 (the "Action");**

1 WHEREAS, Plaintiff brought this Action against Defendants alleging the following causes of
2 action: (1) Discrimination In Violation Of Gov't Code §§12940 Et Seq; (2) Retaliation In Violation Of
3 Gov't Code §§12940 Et Seq; (3) Failure To Prevent Discrimination, Harassment And Retaliation In
4 Violation Of Gov't Code §12940(k); (4) Retaliation In Violation Of Gov't Code §§12945.2 Et. Seq.; (5)
5 Failure To Provide Reasonable Accommodations In Violation Of Gov't Code §§12940 Et Seq (6) Failure
6 To Engage In A Good Faith Interactive Process In Violation Of Gov't Code §§12940 Et Seq.; (7)
7 Wrongful Termination In Violation Of Public Policy; (8) Failure To Pay Wages (Cal. Labor Code §§201,
8 1194); (9) Failure To Provide Meal And Rest Periods (Cal. Labor Code §§226.7, 512); (10) Failure To
9 Provide Itemized Wage And Hour Statements (Cal. Labor Code §§226, Et Seq.); (11) Waiting Time
10 Penalties (Cal. Labor Code §§201-203); (12) Private Attorneys General Act (Cal. Labor Code §2699, Et
11 Seq); (13) Failure To Permit Inspection Of Personnel And Payroll Records (Cal. Labor Code §1198.5);
12 (14) Unfair Competition (Bus. & Prof. Code §17200 Et Seq.);

13 WHEREAS, Defendants' alleged violations under the California Labor Code, and the derivative
14 claims serve as the asserted basis for Plaintiff's claim under the California Labor Code Private Attorneys
15 General Act of 2004, Labor Code §§ 2698 et seq. ("PAGA");

16 WHEREAS, the Parties agree that the proposed PAGA potentially implicated alleged aggrieved
17 employee group would include approximately only seven employees, including Plaintiff, for purposes of
18 this stipulation only and without any admission that any such employee is an aggrieved employee or that
19 any PAGA penalties are owed; WHEREAS, Defendants contend that Plaintiff and certain potentially
20 implicated employees executed arbitration agreements, which informed the Parties' procedural and
21 settlement assessment, but the Parties do not request that the Court adjudicate the enforceability of any
22 arbitration agreement as to any non-party employee;

23 WHEREAS, no class has been certified, no notice of this Action has been provided to any alleged
24 aggrieved employees, no other employee has appeared in this Action, and no discovery has been
25 conducted establishing that any other employee has an expectation of recovery in this Action;

26 WHEREAS, Plaintiff's PAGA claim was asserted on both an individual basis and a non-individual
27 representative basis on behalf of other allegedly aggrieved employees;

28 WHEREAS, deny that any Labor Code violation occurred, deny that any violation was knowing,

1 intentional, uniform, or systemic, and deny that any PAGA penalties are owed;

2 WHEREAS, Plaintiff shall serve this stipulation to dismiss the non-individual PAGA claims without
3 prejudice to the California Labor Workforce (“LWDA”) after Court approval;

4 WHEREAS, this Court may determine that the rights of other aggrieved employees will not be
5 prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff prosecutes the
6 action on behalf of the putative class members, Plaintiff here did *not* prosecute the action on behalf of the
7 alleged similarly-aggrieved employees. In PAGA claims, the plaintiff employee prosecutes on behalf of
8 the Labor Commissioner; the alleged similarly-aggrieved employees have no private right of action
9 outside of PAGA. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 650¹ (“In
10 PAGA, the Legislature created an enforcement mechanism for aggrieved employees to file representative
11 actions to recover penalties in cases in which there is no private cause of action as an alternative to
12 enforcement by the Labor Commissioner”); *Arias v. Superior Court* (2009) 46 Cal.4th 969, 980–987
13 (PAGA suit is a representative action and need not be brought as a class action). *Second*, there has been
14 no discovery as to the identities of other alleged aggrieved employees, nor has notice of this Action been
15 provided to other aggrieved employees. Thus, the Parties are not aware of any other alleged aggrieved
16 employees who have any expectations of recovery of any kind in this case, and a dismissal of non-
17 individual PAGA claims without prejudice does not preclude other employees from pursuing claims.
18 Third, the alleged aggrieved employees will not be prejudiced by dismissal of this action because their
19 claims are being dismissed without prejudice and the dismissal is not intended to adjudicate, release,
20 impair, or waive any rights the LWDA or any non-party employee may otherwise have; and

21 WHEREAS, Defendants have fulfilled their obligations under the Parties’ settlement agreement and
22 Plaintiff wishes to dismiss his individual claims with prejudice and his non-individual PAGA claims
23 without prejudice.

24 **NOW, THEREFORE**, the Parties stipulate and agree, and good cause having been shown, subject
25 to the Court’s approval, as follows:

- 26 1. Plaintiff agrees to dismiss and hereby dismisses his non-individual claims under PAGA in the
27 Action without prejudice.

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¹ Superseded by statute on unrelated ground.

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2 **IT IS SO STIPULATED** between the Parties.
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7 DATED: June 18, 2026

SETYAN LAW, APC.

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9 By: 
10 Samvel Setyan, Esq.
11 Attorneys for Plaintiff,
12 BRIAN ANYANWU

13 DATED: June 19, 2026

HOLDEN LAW GROUP

14
15 By: 
16 Kevin Wooden
17 Attorneys for Defendant
18 DIGISTREAM
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1 **~~PROPOSED~~ ORDER**

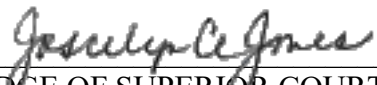
2 The Court, having considered the stipulation by the Parties requesting the Court's approval to
3 dismiss Plaintiff's claims, including Plaintiff's claims under the California Labor Code Private Attorneys
4 General Act of 2004 ("PAGA") (California Labor Code §§2699 et seq.), and good cause appearing
5 therefor, it is hereby:

6 1. **ORDERED** that Plaintiff's non-individual PAGA claims in the Action are dismissed without
7 prejudice; and

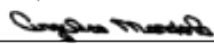
8 3. **ORDERED** that a copy of this Court Order shall be submitted to the Labor and Workforce
9 Development Agency by Plaintiff within fifteen (15) days after entry of this Order.

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11 **IT IS SO ORDERED.**

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13 DATED: 06/22/2026

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JUDGE OF SUPERIOR COURT

15 **Joscelyn Jones / Judge**
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SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 06/22/2026
PLAINTIFF/PETITIONER: Brian Anyanwu	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Digistream Bay Area, Inc., a California corporation.	A. Mendola
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 25CV122087

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Stipulation and Order JOINT STIPULATION TO DISMISS PAGA CLAIMS WITHOUT PREJUDICE; [PROPOSED] ORDER THEREON entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Michael John Levangie
Holden Law Group
mike@holdenlawgroup.com

Samvel Setyan
Setyan Law
s.setyan@setyanlaw.com

Dated: 06/22/2026

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Mendola, Deputy Clerk