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 MELINA ALVAREZ, and ALONDRA MORELOS

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

APRIL LUEVANO, an individual; MELINA
 ALVAREZ, an individual; ALONDRA
 MORELOS, an individual,

Plaintiffs,

v.

MBI INDUSTRIAL MEDICINE, INC., an
 Arizona Corporation; RELIANT
 IMMEDIATE CARE MEDICAL GROUP,
 INC., a California Corporation; and DOES 1
 through 20, inclusive,

Defendants.

Case No. 25STCV22058

*[Assigned for all purposes to Hon. Tony L.
 Richardson]*

**JOINT STIPULATION TO DISMISS
 PLAINTIFFS' REPRESENTATIVE PAGA
 CAUSE OF ACTION WITHOUT PREJUDICE
 AND PLAINTIFFS' INDIVIDUAL PAGA
 CLAIMS WITH PREJUDICE; ~~PROPOSED~~
 ORDER**

Complaint Filed: July 25, 2025
FSC: TBD
Trial Date: TBD

Plaintiffs' APRIL LUEVANO, MELINA ALVAREZ, and ALONDRA MORELOS
 ("Plaintiffs"), on behalf of themselves and the State of California Labor & Workforce Development
 Agency ("LWDA"), through their attorneys of record, GUERRA & CASILLAS LLP; and Defendants
 MBI INDUSTRIAL MEDICINE, INC. AND RELIANT IMMEDIATE CARE MEDICAL GROUP,
 INC. ("Defendants") through their attorneys of record, ALSTON & BIRD (Plaintiffs' and Defendants
 are collectively referred to as the "Parties"), hereby stipulate and agree, as follows:

///

1 WHEREAS, Plaintiff's Complaint was filed on July 25, 2025;

2 WHEREAS, Plaintiffs' brought this Action against Defendants alleging the following causes
3 of action: (1) For Failure To Pay All Wages Due And Improper Deductions (Cal. Labor Code
4 §§200, 202, 204, 218, 218.5, 221, 225.5, 510, 1182.12, 1194, 1194.2); (2) For Failure To Pay
5 Overtime Compensation (Cal. Labor Code §§510, 1194); (3) For Failure To Authorize And Permit
6 Meal And Rest Periods (Cal. Labor Code §§226.7, 512, 516); (4) Failure To Reimburse For Work
7 Related Expenses (Labor Code §2802); (5) For Failure To Timely Furnish Accurate Itemized Wage
8 Statements (Cal. Labor Code §§226, Et Seq.); (6) Private Attorney General Act (Cal. Labor Code
9 §2699, Et Seq.); (7) Unfair Competition (Bus. & Prof. Code §17200 Et Seq.);

10 WHEREAS, Defendants' alleged violations under the California Labor Code, and the
11 derivative claims, serve as the basis for Plaintiffs' PAGA cause of action;

12 WHEREAS, Defendants deny that there is any factual or legal basis for the claims in this Action;

13 WHEREAS, the Parties have reached a settlement of Plaintiffs' individual claims, and mutually
14 agreed that Plaintiffs' will not pursue the PAGA claims on a representative basis;

15 WHEREAS, the Parties negotiated the settlement based solely on Plaintiffs' individual claims
16 under the Labor Code, as well as for settlement of each of their individual claims for discrimination
17 under the FEHA;

18 WHEREAS, Plaintiffs' wish to settle and dismiss for themselves and themselves only, their
19 individual claims under the Labor Code;

20 WHEREAS, Plaintiffs are limited to facts within their own knowledge, and Plaintiffs did not
21 pursue any PAGA discovery from Defendants and have not and will not be able to identify other
22 aggrieved employees;

23 WHEREAS, Plaintiffs have not sought the express consent of other alleged aggrieved employees
24 to pursue this lawsuit on their behalf;

25 WHEREAS, Plaintiffs have not given other alleged aggrieved employees the opportunity to opt-
26 out of Plaintiffs' representation in this matter;

27 WHEREAS, Plaintiffs have agreed to relinquish their status of being an alleged "aggrieved
28 employee" pursuant to the California Labor Code Private Attorney General Act of 2004 ("PAGA"),

1 California Labor Code §§2699 et seq.;

2 WHEREAS, Plaintiffs have agreed to settle their individual claims under the Labor Code and the
3 FEHA, and will request a dismissal with prejudice of only their individual wage and hour and individual
4 PAGA claims under the Labor Code ;

5 WHEREAS, Plaintiffs hereby each agree that they relinquish their status as an “aggrieved
6 employee,” and therefore Plaintiffs shall no longer have standing to further prosecute the PAGA claims
7 on an individual or representative basis. “PAGA imposes a standing requirement; to bring an action,
8 one must have suffered harm.” *Williams v. Superior Court* (2017) 3 Cal.5th 531, 558.

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

11 WHEREAS, this Court may determine that the rights of other alleged aggrieved employees will
12 not be prejudiced for two significant reasons. *First*, unlike class actions where the class plaintiff
13 prosecutes the action on behalf of the putative class members, Plaintiffs’ here did *not* prosecute the
14 action on behalf of the alleged similarly-aggrieved employees. In PAGA claims, the plaintiff employee
15 prosecutes on behalf of the Labor Commissioner for the State of California; the alleged similarly-
16 aggrieved employees have no private right of action in those civil penalties and no entitlement to them.
17 *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 650¹ [“In PAGA, the
18 Legislature created an enforcement mechanism for aggrieved employees to file representative actions
19 to recover penalties in cases in which there is no private cause of action as an alternative to enforcement
20 by the Labor Commissioner”]; *Arias v. Superior Court* (2009) 46 Cal.4th 969, 980–987, [PAGA suit is
21 a representative action and need not be brought as a class action]. *Second*, discovery as to the identities
22 of other aggrieved employees was not completed based on the parties’ desire to resolve the case
23 individually, nor has notice of this action been provided to other aggrieved employees. Thus, the parties
24 are not aware of any other aggrieved employees who have any expectations of recovery of any kind in
25 this case, and to the extent any of them wish, in the future, to pursue their own claims, they have the
26 right to do that; and

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28

¹ Superseded by statute on unrelated ground.

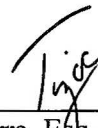
1 WHEREAS, Plaintiffs each wish to dismiss their individual Labor Code-based and sixth cause of
2 action for PAGA violations with prejudice.

3 NOW, THEREFORE, the parties stipulate and jointly request that the Court dismiss Plaintiffs'
4 sixth representative cause of action under the Private Attorney General Act of 2004 ("PAGA"), Labor
5 Code §§2699 et seq., without prejudice and dismiss Plaintiffs' respective sixth individual cause of
6 action under the PAGA, Labor Code §§2699 et seq., with prejudice.

7 IT IS SO STIPULATED between the parties.

8
9
10 DATED: November 6, 2025

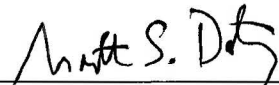
GUERRA & CASILLAS LLP

11
12 By: 

Ruben Guerra, Esq.
Tizoc Perez-Casillas, Esq.
Guile Gomez, Esq.
Attorneys for Plaintiffs
APRIL LUEVANO, MELINA ALVAREZ,
and ALONDRA MORELOS

13
14
15
16
17 DATED: November 13, 2025

ALSTON & BIRD

18
19 By: 

Martha S. Doty, Esq.
Attorneys for Defendant,
MBI INDUSTRIAL MEDICINE, INC.

PROPOSED ORDER

The Court, having considered Plaintiff's Request for Dismissal of Plaintiff's Sixth Cause of Action for Violations of the Private Attorneys General Act, without prejudice, and good cause appearing therefore,

IT IS HEREBY ORDERED that

1. Plaintiffs' sixth representative cause of action under the California Labor Code, Private Attorney General Act, Labor Code §§ 2699, et seq., is dismissed without prejudice;

2. Plaintiffs' sixth individual cause of action under the California Labor Code, Private Attorney General Act, Labor Code §§ 2699, et seq., is dismissed with prejudice; and

2. Plaintiffs' shall submit a copy of this Court Order to the Labor and Workforce Development Agency within 10 days after entry of this order; ~~and~~.

3. _____

IT IS SO ORDERED.

DATED: 11/17/2025


HONORABLE TONY L. RICHARDSON
JUDGE OF SUPERIOR COURT

PROOF OF SERVICE

Case No. 25STCV22058

Luevano, et al. v. MBI Industrial Medicine Inc., et al.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 617 South Olive Street, Suite 915, Los Angeles, California 90014.

On November 13, 2025, I served the foregoing document(s) described as **JOINT STIPULATION TO DISMISS PLAINTIFFS' SIXTH CAUSE OF ACTION FOR PRIVATE ATTORNEY GENERAL ACT VIOLATIONS WITHOUT PREJUDICE; [PROPOSED] ORDER** on the interested parties described in the attached service list in this action as follows:

Martha S. Doty, Esq.
ALSTON & BIRD
350 South Grand Avenue, 51st Floor
Los Angeles, CA 90071
Martha.Doty@alston.com
Amanda.Navarro@alston.com

*Attorney for MBI INDUSTRIAL
MEDICINE, INC.*

☒ BY ELECTRONIC TRANSMISSION: I caused a copy of the document(s) listed above to be sent via electronic transmission either through email or through an electronic delivery service to the person(s) at the e-mail addresses listed above on this day. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on November 13, 2025, at Los Angeles, California.

☒ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Jessamine Lan

/s/Jessamine Lan