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Attorneys for Defendant
Wal-Mart Associates, Inc.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

SEP 15 2025

BY 
VALERIE URUENA, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MARTHA WASHINGTON, individually, and
on behalf of other aggrieved employees,

Plaintiff,

v.

WAL-MART ASSOCIATES, INC., a
Delaware corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. CIV SB 2228833

~~[PROPOSED]~~ ORDER GRANTING
DEFENDANT WAL-MART ASSOCIATES,
INC.'S MOTION FOR SUMMARY
JUDGMENT AND ENTERING JUDGMENT

Action Filed: December 30, 2022
Trial Date: Vacated

Hearing Date: August 29, 2025
Hearing Time: 8:30 a.m.
Place: Dept. S26
Judge: Hon. Christian Towns
[Assigned for all purposes]

~~PROPOSED~~ ORDER

The Motion for Summary Judgment, or in the Alternative, Summary Adjudication (“Motion”) of Defendant Wal-Mart Associates, Inc. (“Walmart” or “Defendant”) came on for hearing before this Court on August 29, 2025, at 8:30 am in Department S26, the Honorable Christian Towns presiding. Appearing on behalf of Walmart was Melis Atalay of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. Appearing on behalf of plaintiff Martha Washington (“Plaintiff”) was Mikael H. Stahle of Matern Law Group, P.C.

After full consideration of the evidence, and the written and oral submissions by the parties, the Court issued a Minute Order—which is attached hereto as **Exhibit A**—ruling that there are no triable issues of material fact, and that Defendant Wal-Mart Associates, Inc. is entitled to judgment as a matter of law for the following reasons and based upon the following evidence:

Plaintiff Washington lacks standing to pursue PAGA as she has suffered no Labor Code section 2802 violation when using her personal cell phone was not necessary or reasonable under the circumstances and Defendant lacked actual or constructive notice that Plaintiff Washington was using her cell phone for company business purposes [UF #1-29, 33-35, 37, & 40-41; AF #42-44, 52-53, & 66-70; and cited evidence: Washington’s Deposition; Kish Declaration; Press Release (Pl’s Exh. A); and Discovery Responses (Pl’s Exh. C)].

The Court’s August 29, 2025 Minute Order also made the following evidentiary rulings on the Parties’ respective evidentiary objections and/or requests for judicial notice:

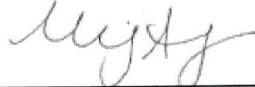
- The Court DENIED Defendant’s request for judicial notice-as unnecessary;
- The Court GRANTED Plaintiff Washington’s request for judicial notice that Defendant has a public website per Evidence Code section 452, but DENIED Plaintiff Washington’s remaining requests for judicial notice because no applicable ground exists to judicially notice the content of a website; and
- The Court OVERRULED Defendant’s evidentiary objections.

THEREFORE, IT IS ORDERED that Walmart’s motion for summary judgment is granted in its entirety. IT IS FURTHER ORDERED that judgment is entered in favor of Defendant Wal-Mart

1 Associates, Inc. and against plaintiff Martha Washington. Defendant Wal-Mart Associates, Inc. is
2 the prevailing party in this Action. Defendant may file a memorandum of costs pursuant to Cal. Rules
3 of Court, rule 3.1700(a)(1), Code Civ. Proc. § 1034(a), and other applicable authority.

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5 DATED: September 3, 2025

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

6
7
8 By: 

Paloma P. Peracchio
Mitchell A. Wrosch
Melis Atalay

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10 Attorneys for Defendant
11 WAL-MART ASSOCIATES, INC.
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20 SEP 15 2025

21 Date: _____

IT IS SO ORDERED

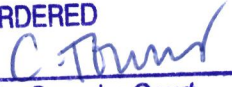

Judge of the Superior Court

EXHIBIT A



SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
San Bernardino District
247 West 3rd St
San Bernardino, CA 92415
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: CIVSB2228833

Date: 8/29/2025

Case Title: ****Complex**** Washington -v- Wal-Mart Associates,
Inc.

Department S26 - SBJC	Date: 8/29/2025	Time: 8:30 AM	Motion for Summary Judgment
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Judicial Officer: Christian Towns
Judicial Assistant: Valerie Uruena
Court Attendant: Alfie Cervantes
Pro Tempore Court Reporter: Yolanda Huff CSR #12570

Appearances

Attorney Mikael Stahle appears by CourtCall for Plaintiff Martha Washington
Attorney Melis Atalay present for Defendant Wal-Mart Associates, Inc.

Proceedings

Remote Hearing Held Via Court Call
Party appeared by audio and/or video

Counsel stipulate to Pro Tempore Reporter Yolanda Huff CSR #12570, providing the official record for today's hearing.
Stip and appointment of pro tem reporter filed

Wal-Mart Associates, Inc.'s Motion for Summary Judgment or in the alternative judgment is heard.
The Court has read and considered Motion, Oppositions, and Replies
The Court recites its tentative ruling.
Argued by counsel and submitted.

Court Finds

Wal-Mart Associates, Inc.'s Motion for Summary Judgment or in the alternative judgment is granted.
Findings stated on the record by the Court.

-
Court's ruling and analysis:

Plaintiff Washington lacks standing to pursue PAGA as she has suffered no Labor Code section 2802 violation when using her personal cell phone was not necessary or reasonable under the circumstances and Defendant Wal-Mart lacked actual or constructive notice that Plaintiff Washington was using her cell phone for company business purposes [UF #1-29, 33-35, 37, & 40-41; AF #42-44, 52-53, & 66-70; and cited evidence: Washington's Deposition; Kish Declaration; Press Release (Pl's Exh. A); and Discovery Responses (Pl's Exh. C)];

Court DENIES Defendant Wal-Mart's request for judicial notice-as unnecessary;

Court GRANTS Plaintiff Washington's request for judicial notice that Defendant has a public website- per Evidence Code section 452, but DENY Plaintiff Washington's remaining requests for judicial notice- because no applicable ground exist to judicially notice the content of a website; and

OVERRULE Defendant Wal-Mart's evidentiary objections.

Defense Counsel to prepare notice of ruling and judgment.

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Court orders 10/30/2025 Trial Readiness Conference hearing Vacated.

Court orders 11/03/2025 Jury Trial hearing Vacated.

== Minute Order Complete ==