

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAYLA PECKLER,

Plaintiff,

v.

ULTA SALON, COSMETICS &  
FRAGRANCE, INC.,

Defendant.

Case No. 1:17-cv-1206-BAM

ORDER GRANTING DEFENDANT’S  
MOTION TO DISMISS PLAINTIFF’S  
SIXTH CAUSE OF ACTION FOR  
VIOLATION OF THE PRIVATE  
ATTORNEYS GENERAL ACT (“PAGA”)  
(Docs. 8, 12).

Plaintiff Layla Peckler (“Plaintiff”) filed this wage and hour claim against Defendant Ulta Salon, Cosmetics & Fragrance, Inc. (“Ulta” or “Defendant”) on July 28, 2017. (Doc. 1). Thereafter, the parties consented to the jurisdiction of the United States Magistrate Judge and the action was reassigned to the Honorable Barbara A. McAuliffe for all purposes. See (Docs. 7, 10); 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; see also L.R. 301, 305.

Presently before the Court is Defendant’s Motion to Dismiss Plaintiff’s sixth cause of action for violation of the Private Attorneys’ General Act (“PAGA”) on the ground that the claim is time-barred by the applicable one-year statute of limitations. Code Civ. Proc. § 340(a). On September 29, 2017, Plaintiff filed a notice of non-opposition to the motion. (Doc. 12). In light of Plaintiff’s non-opposition and having considered the motion and the entire file, Defendant’s Motion to Dismiss Plaintiff’s Sixth Cause of Action in the First Amended Complaint for violation of the Private Attorneys General Act (“PAGA”) is GRANTED. The Sixth Cause of Action in the First Amended Complaint for violation of the Private Attorneys General Act is dismissed with prejudice. The hearing set for October 17, 2017 is VACATED.

IT IS SO ORDERED.

Dated: October 5, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE