

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

MAR 08 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

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

TAN NGUYEN, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

HOMETOWN EQUITY MORTGAGE, LLC, a
Missouri limited liability company; and, DOES
1 through 20, inclusive,

Defendants.

CASE NO. 30-2022-01246368-CU-WT-CXC

Case Assigned for All Purposes to:

The Hon. William Claster

Dept: CX-101

**~~[PROPOSED]~~ FURTHER AMENDED
ORDER GRANTING MOTION FOR
COURT APPROVAL OF PAGA
SETTLEMENT**

Hearing Date: March 8, 2024

Time: 9:00 a.m.

Action Filed: February 15, 2022

Trial Date: None Set

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1 This matter came on for hearing before the Honorable William Claster, Dept. CX-101 on
2 March 8, 2024 at 9:00 a.m. in the above-entitled Court located at Civil Complex Center located at 751
3 West Santa Ana Blvd, Santa Ana, CA 92701, on Plaintiff's Motion for Court Approval of PAGA
4 Settlement. ("PAGA Motion"). Having considered the papers filed in support of the motions,
5 including the Supplemental Briefing filed on February 20, 2024; arguments of counsel; and all files,
6 records, and other matters properly before the Court, the Court hereby determines as follows:

7 A. The settlement was entered into in good faith, and the terms of the settlement are fair,
8 reasonable and adequate and comply with the requirements of Labor Code § 2699, after
9 considering the total recovery, the merits of Plaintiff's claims, and the means by which the
10 parties arrived at the settlement.

11 B. The fees requested by Plaintiff's counsel are reasonable given: (a) the hours worked by
12 Plaintiff's counsel; (b) the results achieved; (c) the risks of litigation; (d) the skill required and
13 the quality of work; and (e) the contingent nature of the fee.

14 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND
15 DECREED AS FOLLOWS:**

16 1. Plaintiff's PAGA Motion is GRANTED.

17 2. In accordance with the Settlement Agreement, Plaintiff's counsel is awarded attorney's fees in
18 the amount of \$88,500.00 and litigation costs in the amount of \$15,705.13. Additionally,
19 settlement administration expenses are awarded in the amount of \$5,500.00. The Net
20 Settlement Fund is \$178,294.87, with \$133,721.15 payable to the California Labor and
21 Workforce Development Agency (LWDA) for its share of PAGA penalties, and \$44,573.72
22 payable to the PAGA Employees.

23 3. As of the date of this order, the LWDA and the members of the PAGA Employees release ^{enter into a} ~~with~~
^{per the terms of the Settlement Agreement.} ~~respect to the recovery of civil penalties under the California Private Attorneys General Act,~~
24 California Labor Code § 2698, *et. seq.* only, against Defendant and its past or present parents,
25 subsidiaries, and affiliated corporations, officers, directors, employees, partners, agents,
26 insurers, predecessors, successors and/or any other individual or entity that could be liable for
27 the acts or omissions of Defendant ("Released Parties") and includes a full release of the PAGA
28

WDA

claim for the time period March 1, 2021 through September 30, 2023, for any and all alleged Labor Code violations pled in the First Amended Complaint ("FAC") and/or LWDA letters dated March 1, 2022, and May 11, 2022 and those PAGA violations that could have been asserted in the FAC based upon the facts pled therein. These Labor Code violations include, but are not limited to, claims made pursuant to Labor Code §§ 201, 202, 203, 226.3, 226.7, 510, 512, 558, 1194, 1197, 1197.1 and the IWC Wage Orders.

4. The Court approves the Notice of PAGA Settlement attached to this order as **Exhibit 1**.
5. The parties shall provide Notice of this Order to the LWDA within 14 calendar days after its entry.
6. Judgment is entered into pursuant to this order, with the Court retaining jurisdiction to enforce its terms pursuant to California Code of Civil Procedure section 664.6.
7. The administrator is to file a declaration no later than September 30, 2024 to confirm that the distribution of funds to aggrieved employees is complete. Upon receipt of the administrator's declaration, the Court will determine whether further briefing or a hearing is necessary.

Date: 3-8-24

William D. Claster

Honorable William Claster
Judge of the Superior Court

EXHIBIT 1

NOTICE OF PAGA SETTLEMENT

Nguyen v. Hometown Equity Mortgage, LLC, et al

(Orange County Superior Court Case No. 30-2022-01246368-CU-WT-CXC)

«FirstName» «LastName»

«Address1» «Address2»

«City» «State» «Zip»

You are receiving this Notice and a check made payable to you as a result of a lawsuit pursuant to the Private Attorneys General Act, California Labor Code § 2698 et seq. ("PAGA"). The lawsuit sought to recover civil penalties for purported wage and hour practices, including, but not limited to the alleged failure to pay overtime, the failure to pay all wages, failure to provide meal periods or compensation in lieu thereof, failure to authorize rest periods or compensation in lieu thereof, failure to provide accurate itemized wage statements. Defendant Hometown Equity Mortgage, LLC ("Defendant") denied these claims and denies that it owes any penalties, but to avoid further time and expense in litigation, Defendant and Plaintiff have agreed to settle the case. The settlement resolves the claims for civil penalties asserted in the lawsuit on behalf of "all current and former hourly paid employees who worked for Defendant in the State of California at any time between March 1, 2021 to September 30, 2023." ("PAGA Employees")

The release in this matter is only releasing claims for PAGA civil penalties and does not release any substantive wage claims. Further, there is no compensation being paid to you for any underlying substantive wage claims.

According to Defendant's records, you are a PAGA Employee and are therefore entitled to a share of the settlement. Enclosed with this Notice is your settlement check. The settlement check shall remain valid for one hundred eighty (180) days. Checks remaining un-cashed for more than 180 days after issuance will become void and the funds will be sent to the California Unclaimed Property Fund maintained by the California State Controller's Office with an identification of the PAGA Employees and the amounts allocated to each. Current employees of Defendant will not be retaliated against for cashing their PAGA settlement checks. The payment will be considered civil penalties and may be subject to local, state, and/or federal taxes and will be reported to the IRS and applicable state tax authorities. You should rely on your own tax advisors as to the tax consequences of your settlement payment.

Do not call or write the Court or Office of the Clerk to ask questions about the settlement. If you have any questions, you may contact Phoenix Settlement Administrators at [INSERT PHONE NUMBER].

1 **PROOF OF SERVICE**

2 CCP §1013a(3)

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am over the age of
5 eighteen years and not a party to the within action; my business address is 360 N. Pacific Coast
6 Hwy, Suite 1025, El Segundo, California 90245.

7 On the date below, I served the foregoing document(s), described as **[PROPOSED]**
8 **FURTHER AMENDED ORDER GRANTING MOTION FOR COURT APPROVAL OF**
9 **PAGA SETTLEMENT**, on each of the interested parties in this action by placing ☐ the original ☒
a true copy thereof enclosed in sealed envelopes addressed as follows (or as addressed on the
attached mailing list):

10 **Attorneys for Defendant(s) Hometown Equity**
11 **Mortgage, LLC**

12 Rishi Puri
13 **LANE POWELL PC**
14 601 SW Second Avenue, Suite 2100
15 Portland, OR 97204
16 Tel: (503)-778-2100
17 Fax: (502)-778-2200
18 purir@lanepowell.com

19 ☒ **BY ONE LEGAL:** A true and correct copy of the above document was electronically
20 served on counsel(s) of record through One Legal's e-service and/or e-copy transmission
21 service system.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct.

24 Executed on March 7, 2024 at El Segundo, California.

25 
26 Valeria Linan
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