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ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 4/15/2021
By Deputy: Cummings, Lorielle

8 Attorneys for Plaintiffs Dinora Gonzales and Anita Ramos

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF MONTEREY

11
12 DINORA GONZALES and ANITA RAMOS,
as aggrieved employees pursuant to the Private
13 Attorneys General Act ("PAGA"), on behalf of
the State of California and other aggrieved
14 employees,

15 Plaintiffs,

16 vs.

17 GROWERS EXPRESS (DE), LLC, a Delaware
limited liability company; and DOES 1 through
18 10, inclusive,

19 Defendants.
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Case No. 20CV001103

~~PROPOSED~~ ORDER APPROVING THE
PAGA SETTLEMENT AGREEMENT AND
JUDGMENT

Date: April 6, 2021
Time: 8:30 a.m.
Place: Department 13

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1 finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and
2 Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the
3 Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission,
4 concession, or liability whatsoever by or against Defendant.

5 8. The settlement of civil penalties under PAGA in the amount of approximately \$252,675
6 is hereby approved. Seventy-Five Percent (75%) shall be paid to the California Labor and Workforce
7 Development Agency. The remaining Twenty-Five Percent (25%) shall be paid to Aggrieved
8 Employees.

9 9. The Court hereby awards ~~\$135,000~~ ^{\$125,000} in attorneys' fees and ~~\$7,325~~ ^{\$7,248.22} costs to Plaintiffs'
10 Counsel, Capstone Law APC.

11 10. The Court approves Service Awards of \$3,000, each, to Dinora Gonzales and Anita
12 Ramos.

13 11. The Court appoints ILYM Group, Inc. to serve as the Settlement Administrator.

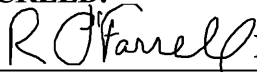
14 12. This Judgment shall be binding on all Aggrieved Employees and the State of California,
15 who are hereby barred by the doctrine of res judicata from re-litigating the Settled Claims during the
16 Settlement Period, as those terms are defined by the Settlement. *See Arias v. Superior Court*, 46 Cal. 4th
17 969, 986 (2009) (holding that a judgment in a representative action brought by an aggrieved employee
18 under PAGA is binding not only on the named employee plaintiff but also on state labor law
19 enforcement agencies and any aggrieved employee not a party to the proceeding).

20 13. Without affecting the finality of the Order and Judgment, the Court shall retain exclusive
21 and continuing jurisdiction under California Code of Civil Procedure § 664.6, over the above-captioned
22 action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.

23 14. This document shall constitute a judgment under California Code of Civil Procedure §
24 664.6.

25
26 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

27 Date **April 15, 2021**

 Robert O'Farrell

Hon. Vanessa W. Vallarta

Monterey County Superior Court Judge

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles. I declare that I am over the age of eighteen
4 (18) and not a party to this action. My business address is: Capstone Law APC, 1875 Century
5 Park East, Suite 1000, Los Angeles, California 90067.

6 On March 10, 2021, I served the within document(s) described below as:

7 **[PROPOSED] ORDER APPROVING THE PAGA SETTLEMENT AGREEMENT
8 AND JUDGMENT**

9 on the interested parties in this action by placing true copies thereon enclosed in sealed envelopes
10 address as follows:

11 Ana C. Toledo	California LWDA
12 Noland, Hamerly, Etienne & Hoss	Via upload to LWDA
13 A Professional Corporation	Website: https://dir.tfaforms.net
14 333 Salinas Street	
15 P.O. Box 2510	
16 Salinas, CA 93902	
17 AToledo@nheh.com	

18 () **MAIL:** I deposited such envelope in the mail at Los Angeles, California. The envelopes
19 were mailed with postage thereon fully prepaid.

20 () **PERSONAL:** I caused such envelope to be delivered by hand to the individual(s) listed
21 above at the address listed above via a messenger service (Prolegal).

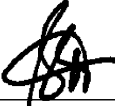
22 (X) **ELECTRONIC SERVICE:** I caused the document(s) to be transmitted electronically via
23 One Legal eService to the individuals listed above, as they exist on that database. This
24 will constitute service of the document(s).

25 (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to
26 California Labor & Workforce Development Agency ("LWDA") via upload to LWDA
27 Website <https://dir.tfaforms.net>

28 () **E-MAIL:** Due to the National Emergency and public health orders in California related to
the coronavirus and COVID-19 pandemic, Capstone Law APC attorneys and staff are
working remotely and therefore have limited capabilities to send physical mail in the
normal course of business. On this date, I personally transmitted the foregoing
document(s) using electronic mail to the e-mail address(es) of the person(s) listed above.

(X) **(STATE)** I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

EXECUTED this document on March 10, 2021, at Los Angeles, California.

29 
Sandy S. Acevedo