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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**
12 **UNLIMITED JURISDICTION**

13 ESTEVAN ARNOLD, an individual,
14 Plaintiff,

15 v.

16 EDWIN TRUCKING, INC., a California
17 corporation; EDWIN BENITEZ, an
18 individual; and DOES 1-25, inclusive,
19 Defendants.

Case No. 20TRCV00191

Reservation ID: 511563982298

**[Proposed] Order Granting Approval of
Settlement of Labor Code Section 2698, et
seq., Private Attorneys General Act
("PAGA") Claims**

Date: December 14, 2021

Time: 8:30 a.m.

Dept.: M

Judge: Hon. Deirdre Hill

Complaint Filed: February 27, 2020

Trial Date: None Set

21 On December 14, 2021, at 8:30 a.m., or as soon thereafter as the matter could be heard, in
22 Department M of this Court, before the Honorable Deirdre Hill, this motion came on regularly for
23 hearing. All parties were represented by counsel. After briefing and argument, the Court rules as
24 follows:

25 The Court grants Plaintiff's Motion for Approval of Settlement of Labor Code Section
26 2698, et. seq., Private Attorneys General Act ("PAGA") Claims, pursuant to the terms set forth in
27 the Settlement Agreement, attached as Exhibit B to the Declaration of John A. Lofton in Support
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1 of Plaintiff's Motion for Approval of Settlement of Labor Code Section 2698, *et. seq.*, Private
2 Attorney's General Act Claims.

3 The Court having read and considered the papers on the motion, the arguments of counsel,
4 and the law, and good cause appearing therefore,

5 **IT IS ORDERED:**

6 1. California Labor Code section 2699(1)(2) requires that the "superior court shall
7 review and approve any settlement of any civil action filed pursuant to" the PAGA. Pursuant to
8 this review, the Court grants approval of the terms of the Settlement and agreed upon procedures
9 as set forth in the Settlement Agreement, attached as Exhibit B to the Declaration of John A.
10 Lofton in Support of Plaintiff's Motion for Approval of Settlement of Labor Code Section 2698,
11 *et. seq.*, Private Attorney's General Act Claims.

12 2. The Court finds that the Settlement is fair, reasonable, and adequate in all respects.
13 The Court finds the Settlement was reached following diligent discovery and investigation
14 conducted by counsel for all parties, and the Settlement is a result of adversarial, arm's-length
15 negotiation between the parties. The Court considered evidence presented regarding the strength
16 of the PAGA claims, the risk, expense, and complexity of the claims presented, the likely duration
17 of further litigation, the amount offered in settlement, and the experience and views of counsel.
18 The Court further considered the range of settlement amounts and awards of penalties approved by
19 other courts when considering the value of this settlement under the PAGA, as well as the
20 defenses to the claims presented.

21 3. The Court, therefore, approves this Settlement, on behalf of the Labor Workforce
22 and Development Agency ("LWDA"), and for Aggrieved Employees, identified as: all persons
23 who were employed by Defendants but misclassified as independent contractors, in the State of
24 California and who have worked for Defendants one or more pay periods between
25 January 10, 2019 and June 7, 2021.

26 4. Section 2699(g)(1) of the PAGA provides that an employee who prevails in any
27 action under the PAGA shall be entitled to an award of reasonable attorney's fees and costs.
28 Pursuant to section 2699(g)(1), and the equitable common fund fee-spreading doctrine as

discussed in Lafitte v. Robert Half Int'l, 1 Cal.5th 480, 486, 503 (2016), the Court approves the request by Plaintiff's Counsel for attorney's fees in an amount of 33.33% of the Gross Settlement Amount, which is \$16,665.00.

5. Pursuant to Section 2699(g)(1), the Court also finds the litigation costs sought by Plaintiff in the amount of \$1,596.73 are reasonable expenditures that are awarded.

6. The Court grants Plaintiff's request for a PAGA Representative Incentive Fee in the amount of \$5,000.00. The declaration of Plaintiff's Counsel supports that Plaintiff provided valuable assistance in the prosecution of the case. The Court finds the incentive payment to be fair and reasonable compensation based on the evidence presented.

7. The Court appoints Atticus Administration, LLC, as Settlement Administrator. Based on the evidence submitted, the Court finds that Atticus Administration, LLC is experienced in claims administration and competent to perform the tasks required. The Court approves the administration costs quoted of up to two thousand five hundred dollars (\$2,500.00).

8. The Court approves the deadlines set forth in the Settlement Agreement for administration of the Settlement.

9. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

10. Without affecting the finality of this Order in any respect, pursuant to Code of Civil Procedure 664.6, the Court retains jurisdiction over this action, and the parties thereto, for the purposes of: (a) the implementation and enforcement of the Settlement Agreement until each and every act agreed to be performed by the parties to the Settlement Agreement shall have been performed; (b) any other action necessary to conclude and implement the Settlement Agreement; and (c) the construction and interpretation of the Settlement Agreement.

IT IS SO ORDERED.

Date: _____, 2021

Honorable Deirdre Hill
Superior Court Judge