

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 20 2021

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13 **PATRICK PINEDA, as an individual and on behalf of all Aggrieved Employees**

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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PATRICK PINEDA, as an individual and on
behalf of all Aggrieved Employees,

Plaintiff,

vs.

OLDCASTLE INFRASTRUCTURE, INC., a
Washington Corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. RIC2001981

[PROPOSED] ORDER GRANTING (1)
APPROVAL OF PAGA
SETTLEMENT, (2) APPOINTMENT
OF SETTLEMENT
ADMINISTRATOR, (3) PLAINTIFF'S
ENHANCEMENT PAYMENT, AND
(4) ATTORNEYS' FEES AND COSTS;
AND JUDGMENT

Date: September 9, 2021
Time: 8:30 a.m.
Dept.: 10
Judge: Hon. Howard W. Hopp

Complaint Filed: June 24, 2020

Trial Date: None set

1 On September 9, 2021, a hearing was held on the motion of Plaintiff Patrick Pineda
2 ("Plaintiff") for (1) Approval of PAGA Settlement, (2) Appointment of Settlement Administrator,
3 (3) Plaintiff's Enhancement Payment, and (4) Attorneys' Fees and Costs. Attorneys of the Sutton
4 Hague Law Corporation, P.C. appeared for Plaintiff, individually and in his capacity as
5 representative of the State of California on behalf of all Aggrieved Employees, and attorneys of
6 Hopkins & Carley, ALC appeared for Defendant Oldcastle Infrastructure, Inc. ("Defendant").

7 Having received and considered the Settlement Agreement and Release of Claims ("the
8 Settlement"), the supporting papers filed by the parties, and the evidence and argument received by
9 the Court at the approval hearing on September 9, 2021, the Court grants approval of the Settlement
10 and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

11 1. That the Settlement, and the obligations of the Parties set forth therein, is fair, reasonable,
12 and is an adequate settlement of this case and is in the best interests of Plaintiff, the Aggrieved
13 Employees, and the State of California's Labor and Workforce Development Agency, in light of the
14 factual, legal, practical, and procedural considerations raised by this case. This Court hereby
15 approves the Settlement, and directs the Parties to effectuate the Settlement according to its terms.
16 The Settlement is hereby deemed incorporated herein as if expressly set forth, and has the full force
17 and effect of an order and judgment of this Court.

18 2. That Phoenix Settlement Administrators is hereby appointed as Settlement Administrator
19 in this case, per the terms of the Settlement.

20 3. That the Notice Form attached as "Exhibit 2" to the Declaration of Brady Briggs is
21 approved as adequate to provide notice to the Aggrieved Employees of this case and the Settlement,
22 and to explain why the Aggrieved Employees are receiving settlement checks containing their
23 Individual Penalties Payment. The Notice Form shall be included in the mailing of each Individual
24 Penalties Payment distributed pursuant to the Settlement.

25 4. The funding of the Settlement shall be carried out in accordance with the terms of the
26 Settlement, and the Settlement Administrator shall thereafter effect the distribution of the Settlement
27 Payments in the manner set forth in the Settlement. No person shall have any claim against
28 Defendant, Released Parties, Plaintiff's Counsel, Defense Counsel, or any other agent designated by

1 Plaintiff or Defendant based upon the distribution of Settlement payments made substantially in
2 accordance with the Settlement or further orders of the Court.

3 5. The Court approves as fair and reasonable an award of Plaintiff's Counsel's Attorneys'
4 Fees in the amount of \$115,000, and an award of \$7,656.46 for the reimbursement of actual costs
5 incurred by Plaintiff's Counsel in this case (collectively "Attorneys' Fees and Expenses").

6 6. The Court approves as fair and reasonable an award of \$10,000 to the Settlement
7 Administrator for the payment of Administrative Expenses.

8 7. The Court approves as fair and reasonable an Enhancement Payment in the amount of
9 \$2,500 to Plaintiff Patrick Pineda.

10 8. The Court finds that the proposed distribution of unclaimed funds, returned as
11 undeliverable or remaining uncashed and undeposited for more than 120 days, to the California Secretary
12 of State's Unclaimed Property division in the name of the Aggrieved Employee to whom the check
13 was issued, comports with the provisions of California Code of Civil Procedure section 384(b)(3) and will
14 best further the purpose of the underlying action and the interests of the Aggrieved Employees and
15 the State of California.

16 9. The Court further confirms and finds that nothing contained in the Agreement, this Order,
17 Judgment, or any other Order entered in this action shall in any way or manner constitute an
18 admission or determination of liability by or against Defendant, or any other Released Parties with
19 respect to any of the Released Claims, and shall not be offered in evidence in any action or
20 proceeding against Defendant, or any other Released Parties in any court, administrative agency, or
21 other tribunal for any purpose whatsoever, other than to the extent necessary to enforce the
22 provisions of the Agreement or this Order.

23 10. The Court hereby enters Judgment in the action in accordance with the terms of the
24 Settlement. Entry of this Judgment shall constitute a full and complete bar against the Named
25 Plaintiff and the LWDA as to the Released Claims asserted against the Released Parties.

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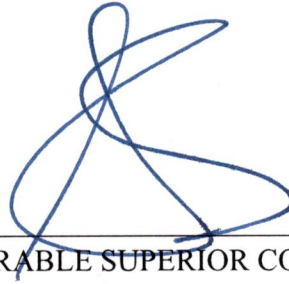
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IT IS SO ORDERED.

DATED: 10/5, 2021



HONORABLE SUPERIOR COURT JUDGE