

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 07/08/2021 Sherri R. Carter, Executive Officer / Clerk of Court By: <u> K. Lappin </u> Deputy
PLAINTIFF/PETITIONER: Mariyam Mahbub		
DEFENDANT/RESPONDENT: Anonymous Content Entertainment, Inc. et al		
CERTIFICATE OF MAILING		CASE NUMBER: 20STCV16986

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (ORDER RE: STIPULATION FOR APPROVAL OF PAGA SETTLEMENT) of 07/08/2021 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Ashley H. Cruz
 Jennifer Kramer Legal, APC
 5015 Eagle Rock Blvd.
 Suite 202
 Los Angeles, CA 90041

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 07/8/2021

By: K. Lappin
 Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 48

20STCV16986

July 8, 2021

9:45 AM

**MARIYAM MAHBUB, INDIVIDUALLY, AND ON BEHALF
OF OTHER AGGRIEVED EMPLOYEES PURSUANT TO
THE CALIFORNI PRIVATE ATTORNEY'S GENERAL vs
ANONYMOUS CONTENT ENTERTAINMENT, INC., A
CALIFORNI CORPORATION, et al.**

Judge: Honorable Laura A. Seigle
Judicial Assistant: K. Lappin
Courtroom Assistant: S. Brown

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

**NATURE OF PROCEEDINGS: ORDER RE: STIPULATION FOR APPROVAL OF PAGA
SETTLEMENT**

The matter is not called for hearing.

After review of the Stipulation for Approval of PAGA Settlement, the Court issues the following order:

ORDER RE: STIPULATION FOR APPROVAL OF PAGA SETTLEMENT

On May 4, 2020, Plaintiff Mariyam Mahbub filed this action against Defendants Anonymous Content Entertainment, Inc. and Anonymous Content Entertainment, LLC (collectively, "Defendants"), which included a cause of action for penalties under the Private Attorney General Act ("PAGA").

On March 19, 2021, the parties agreed on the terms of a settlement of the entire action. On June 30, 2021, Plaintiff filed this stipulation for approval of the PAGA settlement. Under the proposed settlement, Defendants will pay a total of \$420,000.00. Of that amount, \$266,830.10 is allocated to the PAGA claims ("PAGA Settlement"). From the PAGA Settlement, \$200,122.57 (75%) will be paid to the Labor and Workforce Development Agency ("LWDA") and \$66,707.53 (25%) will be paid to the aggrieved employees, divided based on the employees' pay periods during the PAGA period. Plaintiff's counsel will receive attorney fees in the amount of \$147,169.90.

A court must review and approve any penalties sought as part of a proposed settlement agreement pursuant to Labor Code section 2699. (Lab. Code, § 2699, subd. (l).) "[C]ivil

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penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the Labor and Workforce Development Agency for enforcement of labor laws and education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes; and 25 percent to the aggrieved employees.” (Lab. Code, § 2699, subd. (i).)

Notice to LWDA of Settlement

A proposed PAGA settlement must be submitted to LWDA at the same time that it is submitted to the court for review and approval. (Lab. Code, § 2699, subd. (l)(2).) The stipulation states that it was submitted to LWDA on June 30, 2021, when it was filed with the Court.

Presumption of Fairness

A presumption of fairness for a settlement agreement exists where: (1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small. (Dunk v. Ford Motor Co. (1996) 48 Cal.App.4th 1794, 1802.) The final factor does not apply to PAGA. (See Arias v. Superior Court (2009) 46 Cal.4th 969, 984 [representative actions under PAGA do not violate the due process rights of “nonparty aggrieved employees who are not given notice of, and an opportunity to be heard”].)

The parties entered into a settlement on March 19, 2021, as a result of mediation with Gail Glick. (Stipulation at p. 2.) The settlement was therefore reached through arm’s-length bargaining.

Counsel for both parties conducted independent investigations and evaluations. (Stipulation, Ex. B [“Settlement Agreement”] at p. 2.) Accordingly, there was sufficient investigation to allow counsel and the Court to act intelligently.

There is no information regarding counsel’s experience litigating and resolving the type of wage-and-hour and PAGA claims alleged in this action.

The Court finds that the settlement is entitled to a presumption of fairness.

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Release

The release states that Plaintiff and PAGA members will fully release Defendants and their present and former officers, directors, employees, shareholders, agents, trustees, representatives, attorneys, insurers, parent companies, subsidiaries, divisions, affiliates, predecessors, successors, assigns, and any individual or entity that could be jointly liable with Defendants from all Covered Claims based on the facts alleged in the operative complaint. (Settlement Agreement at pp. 5-6.) Covered Claims are defined as Plaintiff's claims for penalties under PAGA.

Attorney Fees and Costs

A prevailing employee is entitled to an award of reasonable attorney fees and costs incurred in the action. (Lab. Code, § 2699, subd. (g)(1).) Defendants will pay \$147,169.90 of the total \$420,000.00 settlement as attorney fees, but no attorney fees or costs will be deducted from the PAGA Settlement. (Settlement Agreement at p. 3.)

Conclusion

Accordingly, the stipulation for final approval of settlement of the PAGA cause of action is GRANTED.

On the Court's own motion, the Jury Trial (7-10 day estimate) scheduled for 12/13/2021, and Final Status Conference scheduled for 11/29/2021 are vacated .

An Order to Show Cause Re: Dismissal (Settlement) is scheduled for 09/23/2021 at 08:30 AM in Department 48 at Stanley Mosk Courthouse.

Plaintiff is to give notice.

Certificate of Mailing is attached.