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ROBERT IRWIN,
on behalf of himself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CIVIL COMPLEX CENTER

ROBERT IRWIN, on behalf of himself
and others similarly situated,

Plaintiff,
vs.

DURABAG COMPANY INC., a Hawaii
Corporation; TRINET HR II, INC., a
Delaware Corporation; TRINET USA,
INC., a Delaware Corporation,

Defendants.

Case No.: 30-2020-01145526-CU-OE-CXC

Hon. Peter Wilson, Dept. CX102

**ORDER APPROVING THE PRIVATE
ATTORNEYS GENERAL ACT
SETTLEMENT AND RELEASE UNDER
CALIFORNIA LABOR CODE §§ 2698 *et*
*seq.***

Date: September 9, 2021
Time: 2:00 p.m.
Dept.: CX102

1 Pursuant to stipulation by the parties and good cause appearing:

2 Having considered the parties' submissions, and documents submitted in support thereof,
3 and good cause appearing, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Approve the
4 Private Attorneys General Act Settlement and Release is **GRANTED**, as follows:

5 a) All terms used herein shall have the same meaning as defined in the Private Attorney
6 General Act Settlement Agreement and General and Limited Release ("Settlement Agreement" or
7 "Settlement").

8 b) The Court hereby approves the terms set forth in the Settlement Agreement and finds
9 that the Settlement is fair to those affected (*Williams v. Superior Court* (2017) 3 Cal.5th 531,549)
10 and directs the Parties to effectuate the Settlement according to its terms.

11 c) The Settlement is not an admission by Defendant or Released Parties as defined below,
12 nor is this Order a finding of the validity of any allegations or of any wrongdoing by Defendant or
13 Released Parties. Neither this Order, the Settlement, nor any document referred to herein, nor any
14 action taken to carry out the Settlement, may be construed as, or may be used as, an admission of
15 any fault, wrongdoing, omission, concession, or liability whatsoever by or against Defendant or
16 Released Parties.

17 d) Defendant shall pay Aggrieved Employees, PAGA Counsel, Settlement Administrator
18 and LWDA pursuant to the terms of the settlement, in the amounts stated herein.

19 e) The Court hereby confirms David Yeremian of the law firm David Yeremian &
20 Associates, Inc as PAGA Counsel.

21 f) The Court finds that the fees requested by PAGA Counsel of one-third of the total
22 settlement amount of \$95,000.00 which is \$31,666.35 is reasonable and the costs requested of
23 Eight Thousand Six Hundred Twenty Two Dollars and Fifty Two Cents (\$8,622.50) as reasonable
24 and necessary for the prosecution of this action. The Court hereby awards attorneys' fees in the
25 amount of \$31,666.35 and costs in the amount of \$8,622.50 to PAGA Counsel for their attorneys'
26 fees and costs. The payment of fees and costs to PAGA Counsel shall be made in accordance with
27 the terms of the Settlement.

28 g) The Court finds that the Administration costs of \$8,000.00 is reasonable and the Court

1 hereby awards administrator costs in the amount of \$8,000.00 to CPT Group, Inc.

2 h) The LWDA's 75% share of the net settlement amount of \$46,711.15 is \$35,033.36, and
3 the balance of \$11,677.79 shall be paid to the Aggrieved Employees pursuant to the terms of the
4 Settlement.

5 i) The Court further orders, adjudges and decrees that upon the Effective Date, the LWDA
6 and PAGA Employees, including Plaintiff, fully release and forever discharge Durabag Company
7 Inc., Trinet Hr II, Inc., Trinet, Trinet USA, Inc. (collectively "Defendants"), and their past or
8 present parents, subsidiaries, and affiliates, officers, directors, employees, managers, partners,
9 shareholders, agents, insurers, and/or any other successors, assigns, or legal representatives of
10 Defendants ("Released Parties") from any and all PAGA claim for violations of Labor Code §§
11 201, 202, 203, 204, 210, 226, 510, 512, 558, 558.1, 1174, 1174.5, 1182.12, 1185, 1194, 1194.2,
12 1197, 1198, 1199, 2698, and 2699, *et seq.* as well as the applicable provisions of the Industrial
13 Wage Orders and for any other PAGA violations that could have been asserted in the action based
14 on the factual assertions and legal assertions in the Complaint. ("Released Claims"). The
15 settlement does not impact Aggrieved Employees ability to assert Labor Code claims other than
16 PAGA claims.

17 j) The Court further orders, adjudges and decrees that upon the Effective Date, Plaintiff,
18 on behalf of himself and his heirs, representatives, attorneys, executors, administrators,
19 successors, relatives, and assigns releases Defendant and any of their past and present parents,
20 subsidiaries, divisions, affiliates, related entities, divisions, officers, directors, shareholders,
21 employees, agents, representatives, attorneys, insurers, successors, predecessors, and assigns from
22 any and all causes of action, obligations, costs, expenses, damages, claims, liabilities, benefits,
23 attorneys' fees, and costs actually incurred, of whatever character, in law or in equity, known or
24 unknown, suspected or unsuspected, matured or unmatured, of any kind whatsoever, now existing
25 or arising in the future, based on any act, omission, event, occurrence, or non occurrence from the
26 beginning of time to the date of execution hereof, including but not limited to any claims or
27 causes of action arising out of Plaintiff's employment with any of the Released Parties.

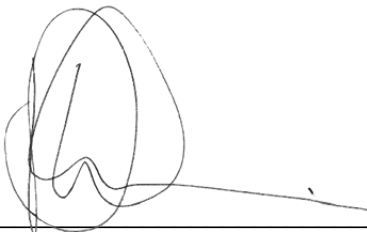
28 k) The Court shall have and retain continuing jurisdiction over this action and the Parties

1 including after the entry of this Order, to the fullest extent necessary to interpret, enforce and
2 effectuate the terms and intent of the Settlement and this Order.

3 l) The Court sets a final accounting hearing on June 24, 2022 at 9:00 a.m. Plaintiff is
4 ordered to file a declaration by the Settlement Administrator confirming the status of all payments
5 under the Settlement, by not later than June 17, 2022.

6
7 **IT IS SO ORDERED.**

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9 Dated: September 15, 2021

A handwritten signature in black ink, appearing to be 'Peter Wilson', written over a horizontal line.

10 Hon. Peter Wilson
11 Judge of the Superior Court
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Case Title:

Documents Electronically Filed/Received

Order - Other\n(approving the
paga settlement & release)

Status

Accepted

Comments

Submitter's Comments:

Clerk's Comments:

Electronic Filing Service Provider Information

Service Provider LegalConnect

Email: support@legalconnect.com

Contact Person: Customer Support

Phone: 8009096859