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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

JOEL VILLALPANDO, an individual,

Plaintiff,

v.

RED SPARROW SERVICES, INC., a
California Corporation; AVREK LAW FIRM,
a Professional Law Corporation; MARYAM
PARMAN, an individual; DOES 1-10,
business entities, forms unknown; DOES 11-
20, individuals; and DOES 21-30, inclusive,

Defendants.

Case No.: 30-2020-01140620-CU-OE-CXC

**[PROPOSED] JUDGMENT AND ORDER
APPROVING PLAINTIFF'S
UNOPPOSED EX PARTE APPLICATION
FOR APPROVAL OF PAGA
SETTLEMENT**

Date: December 3, 2020
Time: 8:30 a.m.
The Hon. William Claster
Dept. CX104

[Complaint filed: May 26, 2020]

1 Plaintiff Joel Villalpando's ("Plaintiff") Unopposed Ex Parte Application for Approval of
2 PAGA Settlement for an Order: (1) granting approval, pursuant to California Labor Code § 2698
3 *et seq.*, subpart l, of the proposed settlement of claims brought pursuant to the Private Attorneys
4 General Act of 2004 (Cal. Labor Code § 2698 *et seq.*) set forth in the parties' Private Attorneys
5 General Act (Labor Code § 2698 *et seq.*) PAGA Agreement, attached as Exhibit 1 to the
6 Declaration of Chantal Payton filed in support of the Motion ("PAGA Settlement" or "PAGA
7 Agreement"); (2) appointing Phoenix Settlement Administrators as the Settlement Administrator
8 and approving payment of its fees from the Maximum Settlement Amount; (3) directing
9 disbursement of the Maximum Settlement Amount pursuant to the terms of the Settlement
10 Agreement; (4) directing payment of attorneys' fees from the Maximum Settlement Amount in
11 the amount of \$11,666.66 to Plaintiff's counsel; (5) directing payment to Plaintiff's Counsel and
12 the State of California for reasonable reimbursable costs under PAGA from the Maximum
13 Settlement Amount not to exceed \$6,980.00 to be distributed to Payton Employment Law, PC;
14 and (6) directing payment of enhancement payment from the Maximum Settlement Amount in
15 the amount of \$1,000.00 to Plaintiff Joel Villalpando came on for hearing before this Court in
16 Department CX104, the Honorable William Claster presiding, on December 3, 2020.

18 Chantal McCoy Payton, Esq. appeared on behalf of Plaintiff Villalpando.
19 _____, Esq. appeared on behalf of Defendants Red Sparrow Services, Inc., and
20 Avrek Law Firm.

21 Having reviewed the PAGA Agreement and duly considered the parties' papers and oral
22 argument, and good cause appearing,

23 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

- 24 1. All terms used herein shall have the same meaning as defined in the PAGA
25 Agreement.
26 2. This Court has jurisdiction over the claims of the putative Aggrieved Employees
27 and the State of California asserted in this proceeding and over all parties to the Action.
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1 3. The Court finds that the PAGA Settlement was entered into in good faith, that the
2 PAGA Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards
3 and applicable requirements for approval of PAGA representative actions under California law.
4 The Court finds that the gross maximum amount of Thirty-Five Thousand Dollars and Zero Cents
5 (\$35,000.00) (“Maximum Settlement Amount”) represents a fair compromise of the PAGA
6 claims alleged in the Action, considering the maximum potential value of the claims asserted and
7 the risks inherent in further litigation.

8 4. The Court has considered the authorities and evidence presented by Plaintiff and
9 based thereon hereby approves the following awards and deductions from the Maximum
10 Settlement Amount:

- 11 a. To Plaintiff’ counsel, Chantal Payton, Esq., and Robert Torres, Esq., of Payton
12 Employment Law, PC; and Shalini Dogra, Esq. of Dogra Law Group, an award
13 not to exceed \$11,666.66 in attorneys’ fees and costs (representing 33.33% of the
14 Maximum Settlement Amount). The Court finds that these amounts are fair and
15 reasonable and commensurate with applicable California law.
16 b. To Plaintiff, a general release payment of \$1,000.00 for Plaintiff in recognition of
17 his effort and work in prosecuting the PAGA claims alleged in the Action on behalf
18 of Aggrieved Employees and the State of California, and in exchange for his
19 general release of all claims.
20 c. To Plaintiff’s Counsel and the State of California an award of reasonable
21 reimbursable costs under PAGA amount not to exceed Six Thousand Nine
22 Hundred Eighty Dollars and Zero Cents (\$6,980.00) to be distributed to Payton
23 Employment Law, PC.
24 d. To Phoenix Settlement Administrators, the Parties’ proposed settlement
25 administrator, an approved payment of up to \$1,500.00 to administer the
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Settlement through its conclusion, including disbursement of the Maximum Settlement Amount and all tax reporting associated therewith.

5. The amount remaining of the Maximum Settlement Amount following these deductions is the Net Settlement Amount of approximately \$13,853.34. The Net Settlement Amount shall be disbursed to the Labor and Workforce Development Agency and the putative Aggrieved Employees pursuant to the terms of the PAGA Settlement. Specifically, the Net Settlement Amount will be distributed 75% to the Labor and Workforce Development Agency and 25% to the putative Aggrieved Employees.

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

7. The Parties shall file, no later than two hundred forty (240) days following the date of this Order and Judgment, a report which details the administration of the Settlement. This report shall include a declaration from the settlement administrator which attests to the status of payments to and distribution from the Maximum Settlement Amount. As part of the report, the Parties shall state the value of uncashed checks that have been remitted to the California State Controller's Office to be held pursuant to the Unclaimed Property Law.

8. After entry of this Order and Judgment, pursuant to California Code of Civil Procedure section 664.6, the Court shall retain jurisdiction to construe, interpret, implement, and enforce the Settlement Agreement and this Order and Judgment, to hear and resolve any contested challenge to a claim for settlement benefits, and to supervise and adjudicate any dispute arising from or in connection with the distribution of settlement benefits.

IT IS SO ORDERED.

Dated: _____

Hon. William Claster
Judge of The Superior Court