

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Edwin Aiwazian (SBN 232943) LAWYERS for JUSTICE, PC 410 Arden Avenue, Suite 203 Glendale, California 91203 TELEPHONE NO.: (818) 265-1020 FAX NO. (Optional): (818) 265-1021 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Kalethia Lawson	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, 92101 BRANCH NAME:	
PLAINTIFF/PETITIONER: Kalethia Lawson DEFENDANT/RESPONDENT: California Bank & Trust, et al.	
NOTICE OF ENTRY OF JUDGMENT OR ORDER (Check one): ☒ UNLIMITED CASE (Amount demanded exceeded \$25,000) ☐ LIMITED CASE (Amount demanded was \$25,000 or less)	CASE NUMBER: 27-2016-00005578-CU-OE-CTL Department C-66

TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): **February 21, 2020**

2. A copy of the judgment, decree, or order is attached to this notice.

Exhibit A- Order & Judgment Granting Approval of Private Attorneys General Act (Cal. Labor Code §§ 2698-2699.6) Settlement Agreement Award of Attorneys Fees Costs, Service Award, Administration Fees & Cost

Date: **February 24, 2020**

Edwin Aiwazian

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)


(SIGNATURE)

EXHIBIT A

1 Edwin Aiwazian (SBN 232943)
2 Arby Aiwazian (SBN 269827)
3 Joanna Ghosh (SBN 272479)
4 **LAWYERS for JUSTICE, PC**
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

5 V. Andre Sherman (SBN 198684)
6 **GIRARDI & KEESE**
1126 Wilshire Boulevard
Los Angeles, California 90017
7 Tel: (213) 977-0211 / Fax: (213) 481-1554

8 *Attorneys for Plaintiff*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN DIEGO**

11 KALETHIA LAWSON; individually,
12 and on behalf of other aggrieved
13 employees pursuant to the California
Private Attorneys General Act;
14 Plaintiff,

15 vs.

16 CALIFORNIA BANK & TRUST, a California
17 corporation; ZIONS BANCORPORATION, an
18 unknown business entity; and DOES 1 through
100, inclusive,
19 Defendants.

Case No.: 37-2016-00005578-CU-OE-CTL

ASSIGNED FOR ALL PURPOSES TO
HON. KENNETH J. MEDEL, DEPT. C-66

**[PROPOSED] ORDER AND JUDGMENT
GRANTING APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (CAL. LABOR
CODE §§ 2698-2699.6) SETTLEMENT
AGREEMENT AND AWARD OF ATTORNEYS'
FEES AND COSTS, SERVICE AWARD, AND
ADMINISTRATION FEES AND COSTS**

[Notice of Motion and Motion for Approval of Private Attorneys General Act (Cal. Labor Code §§ 2698-2699.6) Settlement Agreement and Award of Attorneys' Fees and Costs, Service Award, and Administration Fees and Costs; Declarations of PAGA Counsel (Edwin Aiwazian and V. Andre Sherman); and Declaration of Plaintiff (Kalethia Lawson) filed concurrently herewith.]

Date: February 21, 2020
Time: 9:00 a.m.
Dept.: C-66

Complaint Filed: February 19, 2016
Trial Date: None Set

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego

02/11/2020 at 12:01:10 PM

Clerk of the Superior Court
By Carolina Miranda, Deputy Clerk

F I L E D
Clerk of the Superior Court

FEB 21 2020

By: M. Abosamra, Clerk

[PROPOSED] ORDER AND JUDGMENT GRANTING APPROVAL OF PRIVATE ATTORNEYS GENERAL ACT (CAL. LABOR CODE §§ 2698-2699.6) SETTLEMENT AGREEMENT AND AWARD OF ATTORNEYS' FEES AND COSTS, SERVICE AWARD, AND ADMINISTRATION FEES AND COSTS

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1 6. The Settlement is approved under California Labor Code section 2699(1)(2).

2 7. The Court hereby directs the Settlement Administrator to administer the Settlement
3 and to make the payments as provided by, and consistent with, this Order and Judgment and the Settlement
4 Agreement. The Court also hereby directs the Parties to perform in accordance with the terms set forth
5 in this Order and Judgment and the Settlement Agreement.

6 8. The Court finds that a notice of the settlement need not be provided to the
7 Aggrieved Employees, since the action is not a class action for which Aggrieved Employees may object
8 or opt out. The Settlement Administrator is ordered to distribute payments to the Aggrieved Employees.
9 The Court has reviewed and approves the Payment Explanation Letter, attached hereto as "**EXHIBIT A**,"
10 for distribution to Aggrieved Employees at the same time that Individual Settlement Payment checks are
11 distributed to Aggrieved Employees.

12 9. The Court approves Rust Consulting, Inc. to act as the Settlement Administrator.
13 The Court awards the Settlement Administrator its actual fees and costs in accordance with the terms of
14 the Settlement Agreement and this Order and Judgment, not to exceed \$8,500.

15 10. The Court approves the law firm of Lawyers *for* Justice, PC and Girardi & Keese
16 as PAGA Counsel.

17 11. The Court awards attorneys' fees in the amount of \$630,000 and actual
18 litigation costs and expenses in the amount of \$37,236.73, both of which the Court finds to be fair and
19 reasonable, to Lawyers *for* Justice, PC and Girardi & Keese. The Court authorizes the Settlement
20 Administrator to distribute these payments, in accordance with the terms of the Settlement
21 Agreement and this Order and Judgment.

22 12. The Court finds that payment to the State of California's Labor and Workforce
23 Development Agency in the amount of \$835,697.45 as its share of the settlement of PAGA civil penalties
24 is fair and reasonable. The Court authorizes the Settlement Administrator to pay the LWDA Payment, in
25 accordance with the terms of the Settlement Agreement and this Order and Judgment.

26 13. The Court finds the Service Award in the sum of \$10,000 to Plaintiff is fair and reasonable.
27 The Court authorizes the Settlement Administrator to pay the Service Award, in accordance with the
28 terms of the Settlement Agreement and this Order and Judgment.

1 14. The Settlement Administrator is directed to establish an account into which the
2 Gross Settlement Amount is to be deposited by Defendant, and Defendant is directed to fund and deposit
3 the Gross Settlement Amount into this account within ten (10) business days after the Effective Date,
4 in accordance with the Settlement Agreement and this Order and Judgment.

5 15. Defendant is directed to provide the Data Spreadsheet to the Settlement
6 Administrator within twenty-one (21) calendar days after notice of entry of this Order and
7 Judgment, in accordance with the Settlement Agreement and this Order and Judgment.

8 16. The Settlement Administrator shall distribute the Individual Settlement Payments,
9 LWDA Payment, Service Award, and Attorneys' Fees and Costs, as provided for by this Order and
10 Judgment and the Settlement Agreement, within twenty (20) business days after the Effective Date, in
11 accordance with the Settlement Agreement and this Order and Judgment.

12 17. Checks for Individual Settlement Payments will be valid for one hundred and
13 twenty (120) calendar days after issuance, and thereafter, the checks will be cancelled. Funds
14 associated with such cancelled checks will be transmitted to the California State Controller's Office,
15 Unclaimed Property Division, in the name of the intended beneficiaries of the checks, in accordance with
16 the terms of the Settlement Agreement and this Order and Judgment.

17 18. Upon completion of distribution of all payments due under the Settlement, the
18 Settlement Administrator will provide written certification of the completion to the Court and counsel
19 for the Parties, which shall be filed with the Court on or before November 20, 2020.

20 19. Nothing in this Order and Judgment or the Settlement shall be construed as an
21 admission or concession by any party.

22 20. The Court enters judgment in accordance with the terms of the Settlement
23 Agreement and this Order and Judgment, whereby Plaintiff, the LWDA, and each Aggrieved
24 Employee, in accordance with the Settlement, releases all Released Claims against the Released Parties.

25 21. Without affecting the finality of this Order and Judgment, the Court retains
26 exclusive and continuing jurisdiction over this Action for purposes of supervising, administering,
27 implementing, and enforcement of this Order and Judgment and the Settlement.

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1 22. Notice of this Order and Judgment shall be given to the LWDA by submission
2 through the online system established for the filing of notices and documents, in conformity with
3 California Labor Code section 2699(1)(3).

4 **IT IS SO ORDERED:**

5
6 DATED: FEB 21 2020

Kenneth J. Medel

HONORABLE KENNETH J. MEDEL
Judge of the Superior Court

EXHIBIT A

Exhibit 1

[Date], 2019

[Employee's Full Name]
[Employee Street Address]
[City, State Zip]

Re: PAGA Settlement Payment in *Lawson v. California Bank & Trust*, San Diego
County Superior Court Case No. 37-2016-00005578-CU-OE-CTL (the "Action")

Dear [Employee's Full Name]:

Please find enclosed a check in the amount of **[amount of payment]** which is your payment from the settlement in the Action, which was approved by the San Diego County Superior Court ("Court") on [settlement approval date]. Records reflect that you worked for California Bank & Trust (the "Bank") in California at some time between January 19, 2015 through [settlement approval date] and are, therefore, entitled to a settlement payment under the terms of the settlement.

In the Action, Plaintiff Kalethia Lawson ("Plaintiff") sought civil penalties pursuant to the California Private Attorneys General Act, California Labor Code section 2698, *et seq.* ("PAGA"), on behalf of the State of California and non-exempt employees who Plaintiff claims were "aggrieved" by alleged wage-and-hour violations on the part of the Bank. The Bank strongly disputes Plaintiff's allegations and maintains that it has fully complied with all applicable wage-and-hour laws. The Court has not issued any ruling regarding the merits of the Action. Nonetheless, to avoid the cost and distraction of litigation, the Bank made a business decision to settle the Action.

The enclosed settlement check represents your portion of the Court-approved PAGA settlement. You will not be retaliated against for depositing or cashing your check. Checks that are not cashed or deposited within 120 days of issuance will be cancelled and the funds will be transmitted to the California State Controller's Office, Unclaimed Property Division, in the name of the intended beneficiaries of the checks.

Regardless of what you do with the settlement check, all claims for penalties arising under PAGA, as asserted in the Action, have been released. You may view a copy of the settlement agreement, including the claims released by the settlement agreement, at [Rust URL].

THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF THE CLAIMS OR DEFENSES BY EITHER SIDE IN THE ACTION. PLEASE DO NOT CONTACT THE COURT REGARDING THE CASE.

IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT THE SETTLEMENT ADMINISTRATOR, RUST CONSULTING AT [RUST'S PHONE NUMBER].

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 410 West Arden Avenue, Suite 203, Glendale, California 91203.

On February 24, 2020, I served the foregoing document(s) described as: **NOTICE OF ENTRY OF JUDGMENT OR ORDER** on interested parties in this action by Electronic Service as follows:

James L. Morris (jmorris@rutan.com)
Brian C. Sinclair (bsinclair@rutan.com)

RUTAN & TUCKER, LLP

611 Anton Boulevard, Suite 1400
Costa Mesa, California 92626

Attorneys for Defendants ZB, N.A. and Zions Bancorporation

[X] BY ELECTRONIC SERVICE

I caused the documents described above to be electronically served through One Legal Portal by electronically mailing a true and correct copy through One Legal Portal to the individual(s) listed above.

State of California, Labor & Workforce Development Agency

Web URL:

<http://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>

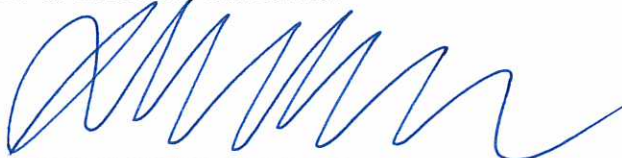
[X] BY ONLINE SUBMISSION

The foregoing documents were transmitted to the California Labor and Workforce Development Agency through the online system established for the submission of notices and documents, in conformity with California Labor Code section 2699(l). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 24, 2020 at Glendale, California.



Sarah Poswal