

Kane Moon (SBN 249834)
Allen Feghali (SBN 301080)
Enzo Nabiev (SBN 332118)
MOON & YANG, APC
1055 W. Seventh St., Suite 1880
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125
E-mail: kane.moon@moonyanglaw.com
E-mail: allen.feghali@moonyanglaw.com
E-mail: enzo.nabiev@moonyanglaw.com

Attorneys for Plaintiff Audelino Contreras

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

AUDELINO CONTRERAS, an individual and
on behalf of the State of California and other
aggrieved persons,

Plaintiff,

vs.

F & W GRAND AUTO CARE, INC., a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 20STCV05254

[Assigned to Hon. Monica Bachner, Dept. 71]

**~~PROPOSED~~ ORDER AND JUDGMENT
GRANTING PLAINTIFF'S MOTION TO
APPROVE SETTLEMENT AGREEMENT
AND RELEASE OF PAGA CLAIMS
PURSUANT TO LABOR CODE SECTION
2698 ET SEQ.**

Date: March 16, 2021

Time: 09:30 a.m.

Reservation ID: 314467676664

*Filed with Notice and Motion to Approve
Settlement, and Declaration of Kane Moon*

ORDER

The Court having considered Plaintiff's Notice of Motion and Motion for Approval of PAGA Settlement ("Motion"), the supporting declaration and exhibits thereto, all papers filed and proceedings had herein, and the absence of any written objections received regarding the proposed Settlement, and having reviewed the record in the Action, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Court, for purposes of this Final Order and Judgment, refers to all defined terms as set forth in the Settlement Agreement and Release of PAGA Claims attached as Exhibit "1" to the foregoing Stipulation.

2. The Settlement is hereby accepted and approved;

3. Plaintiff and all PAGA Settlement Members shall have, by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished, and discharged the Released Parties from all Released Claims as follows:

"Released Claims" shall mean any and all claims, whether known or unknown, to recover civil penalties pursuant to PAGA for any alleged violations by Defendant of California Labor Code §§ 201-203, 204, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1197, 1197.1, 1198, any category of violations identified in Labor Code § 2699.5, and the related applicable IWC Wage Order provision for the PAGA Period.

"Released Parties" shall mean defendant F & W Grand Auto Care, Inc., and all of its subsidiary companies, affiliates, holding companies, successors, partners, shareholders, insurers, legal representatives, assigns, employees, officers, directors, attorneys, and agents.

"Covered Period" shall mean February 10, 2019 through January 12, 2021.

"PAGA Member" all persons employed by Defendant as a nonexempt employee in California at any time during the PAGA Period.

***and payment of all funds due under this Settlement,**

"Claims Released by the LWDA and All PAGA Settlement Members" Upon the date of entry of an order by the Court in this Action approving this Settlement,* the LWDA and PAGA Settlement Members, including Plaintiff, fully release and forever discharge the Released Parties from any and all Released Claims. As a result of this release, the PAGA Settlement Members will be unable to bring a claim under, or recover in any other claim brought under, the California Private Attorneys General Act, California Labor Code §

1 2698 et seq., for any violations of the Released Claims that took place during
2 the PAGA Period.

3 4. The Parties shall bear their own respective attorneys' fees and costs, except as
4 otherwise provided for in the Settlement and approved by the Court.

5 5. The Settlement is not an admission by Defendant as defined below, nor is this
6 Order a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither
7 this Order, the Settlement, nor any document referred to herein, nor any action taken to carry out
8 the Settlement, may be used as an admission of any fault, wrongdoing, omission, concession, or
9 liability whatsoever by or against Defendant.

10 6. Defendant shall pay the PAGA Members, Plaintiff's Counsel, the Labor and
11 Workforce Development Agency ("LWDA"), and the Settlement Administrator pursuant to the
12 terms of the Settlement:

- 13 a. Actual administration costs of up to \$1,950.00, payable to the Settlement
14 Administrator (Phoenix Settlement Administrators, Inc.) for administration of the
15 Settlement;
- 16 b. Attorneys' fees to Plaintiff's Counsel in the amount of \$25,000.00;
- 17 c. Reimbursement for actual costs incurred by Plaintiff's Counsel, not to exceed
18 \$15,000.00;
- 19 d. The remaining amount to the PAGA Fund, which shall be allocated as set forth in
20 Labor Code § 2699(d), with 75% allocated to the LWDA, and the remaining 25%
21 to the PAGA Members on a pro-rata basis. The Administrator will cancel all
22 checks that remain uncashed 180 days from the mailing date and forward such
23 amounts to the California State Controller's Office in the name of the PAGA
24 Members who did not cash their check.

25 7. Defendant shall deposit the Total Settlement Payment with the Settlement
26 Administrator the later of fourteen (14) days following the Effective Date or April 12, 2021.

27 8. The Court hereby confirms Kane Moon and Allen Feghali of Moon & Yang, APC
28 as PAGA Counsel.

1 9. The Court finds that the fees requested by Plaintiff's Counsel of one-third (33
2 1/3%) of the total settlement amount (\$25,000.00) is reasonable, and the costs requested of up to
3 \$15,000.00 were reasonable and necessary for the prosecution of this action. The Court hereby
4 awards attorneys' fees in the amount of \$25,000.00 and costs in the amount of \$11,284.67 to
5 Plaintiff's Counsel for their attorneys' costs. The payment of fees and costs to Plaintiff's
6 Counsel shall be made in accordance with the terms of the Settlement.

the April 1, 2021 Declaration of Allen Feghali as Exhibit C

7 10. The Court approves of the proposed letter attached to the ~~Stipulation as Exhibit 1~~
8 to be sent to PAGA Members along with their respective settlement check.

9 11. Plaintiff shall submit a copy of this Order and Judgment to the LWDA within ten
10 calendar days after entry of the Order and Judgment.

11 12. This Court shall retain jurisdiction, pursuant to C.C.P. section 664.6, over this
12 action, the Parties, and the PAGA Settlement Members to the fullest extent necessary to interpret,
13 enforce, and effectuate the terms and intent of the Settlement and this Order and Judgment.

14 13. The Court sets a status conference re: final accounting for
15 8/30/21 at 8:30, 2021. At least nine court days prior to the hearing, Plaintiff shall
16 submit a final report including the actual amounts paid to aggrieved employees, the other
17 amounts distributed under the settlement, and the amounts tendered to the Unclaimed Property
18 Division

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20 **IT IS SO ORDERED.**

21
22 DATED: 04/13/2021



HON. MONICA BACHNER
LOS ANGELES COUNTY SUPERIOR COURT

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Make a Reservation

AUDELINO CONTRERAS , AN INDIVIDUAL vs F & W GRAND AUTO CARE, INC., A CALIFORNIA CORPORATION

Case Number: 20STCV05254 Case Type: Civil Unlimited Category: Other Employment Complaint Case
Date Filed: 2020-02-10 Location: Stanley Mosk Courthouse - Department 71

Reservation

Case Name:

AUDELINO CONTRERAS , AN INDIVIDUAL vs F & W
GRAND AUTO CARE, INC., A CALIFORNIA
CORPORATION

Case Number:

20STCV05254

Type:

Motion to Confirm Settlement

Status:

RESERVED

Filing Party:

Audelino Contreras (Plaintiff)

Location:

Stanley Mosk Courthouse - Department 71

Date/Time:

03/16/2021 9:30 AM

Number of Motions:

1

Reservation ID:

314467676664

Confirmation Code:

CR-FDARVTKT2E9RCACNT

Fees

Description	Fee	Qty	Amount
Motion to Confirm Settlement	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
TOTAL			\$61.65

Payment

Amount:

\$61.65

Type:

Visa

Account Number:

XXXX3909

Authorization:

08328G

Print Receipt

Reserve Another Hearing

View My Reservations



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

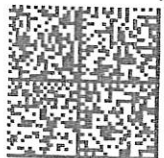
CENTRAL DISTRICT-STANLEY MOSK COURTHOUSE
CIVIL DIVISION
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012

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U.S. POSTAGE >> PITNEY BOWES



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