

**ACKERMANN & TILAJEF, P.C.**  
Craig J. Ackermann, CA Bar No. 229832  
cja@ackermanntilajef.com  
1180 South Beverly Drive, Suite 610  
Los Angeles, California 90035  
Telephone: (310) 277-0614  
Facsimile: (310) 277-0635

[Additional Counsel on Next Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

LATOIA SMITH, an individual, and  
RAYMOND JONES, an individual on behalf  
of the State of California, as private attorney  
generals

PLAINTIFFS,

v.

BURLINGTON MERCHANDISING  
CORPORATION, a Delaware Corporation;  
BURLINGTON COAT FACTORY DIRECT  
CORPORATION, a New Jersey Corporation;  
BURLINGTON DISTRIBUTION CORP., a  
Delaware Corporation; and DOES 3-50,  
inclusive,

DEFENDANTS.

JASMINE SPIVEY, on behalf of herself and  
all others similarly situated, and on behalf of  
the general public,

PLAINTIFF,

v.

BURLINGTON COAT FACTORY OF  
TEXAS, INC. BURLINGTON COAT  
FACTORY WAREHOUSE  
CORPORATION; and DOES 1-100,

DEFENDANTS.

CONSOLIDATED CASE NO: CIVDS1929684

[Assigned to the Hon. David Cohn, Dept. S-26]

**[PROPOSED] ORDER APPROVING  
PAGA SETTLEMENT AND JUDGMENT**

Date: October 23, 2020

Time: 10:00 am

Complaint Filed: October 3, 2019

1 **WINSTON LAW GROUP, P.C.**

2 David S. Winston, CA Bar No. 301677

3 david@employmentlitigators.com

4 1180 South Beverly Drive, Suite 320

5 Los Angeles, California 90035

6 Telephone: (424) 288-4568

7 Facsimile: (424) 532-4062

8 Attorneys for Plaintiff Latoia Smith and Raymond Jones

9 **MARA LAW FIRM**

10 David Mara, CA Bar No. 230498

11 dmara@maralawfirm.com

12 Tony Roberts, CA Bar No. 315595

13 troberts@maralawfirm.com

14 2650 Camino Del Rio North, Suite 205

15 San Diego, California 92108

16 Telephone: (619) 234-2833

17 Facsimile: (619) 234-4048

18 Attorneys for Plaintiff Jasmine Spivey

1 Plaintiffs and Defendants jointly moved for approval of the proposed settlement of  
2 Plaintiffs' claims for civil penalties under the California Labor Code Private Attorneys General  
3 Act ("PAGA"), pursuant to California Labor Code section 2699(l). The parties seek approval of  
4 the settlement, including the Gross Settlement Amount ("GSA") of \$2,000,000.00. The  
5 Settlement Agreement provides that a PAGA Penalty Fund of \$1,274,476.66 shall be paid from  
6 the \$2,000,000.00 GSA. The Settlement Agreement also provides that (1) \$10,000.00 be paid to  
7 each of the Plaintiffs as Service Awards (totalling \$30,000.00) and in exchange for their general  
8 releases; and (2) \$666,666.67 be paid to Plaintiffs' Counsel for payment of attorneys' fees; (3)  
9 \$13,931.67 be paid to Plaintiffs' Counsel for actual litigation costs incurred; and (4) \$14,925.00  
10 be paid to ILYM Group, Inc. for the cost of administration of the settlement. The Labor  
11 Workforce Development Agency was provided with notice of the settlement and the motion via  
12 its online process and no objection has been received to the settlement or the motion.

13 Good cause appearing based on the reasons set forth in the motion for approval, the Court  
14 hereby GRANTS the motion and approves the PAGA settlement as set forth in the Settlement  
15 Agreement and the PAGA Penalty Fund of \$1,274,476.66, which shall be allocated and paid out  
16 as set forth in the Settlement and in accordance with Labor Code section 2699(i).

17 After entry of this Judgment, the Court shall retain jurisdiction to construe, interpret,  
18 implement, and enforce the Settlement Agreement, to hear and resolve any contested challenge to  
19 a claim for settlement benefits, and to supervise and adjudicate any dispute arising from or in  
20 connection with the distribution of settlement benefits.

21 **IT IS SO ORDERED AND ADJUDGED, LET JUDGMENT BE FORTHWITH**  
22 **ENTERED ACCORDINGLY.**

23  
24 DATED: \_\_\_\_\_

\_\_\_\_\_  
25 HON. DAVID COHN  
26 SAN BERNARDINO SUPERIOR COURT JUDGE  
27  
28