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Attorneys for Plaintiff Vanessa White, on behalf of herself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

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

VANESSA WHITE, on behalf of herself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

E.M. PIZZA, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 20GDV00489

Assigned to the Hon. Ralph Hofer, Dept. D

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND ENTERING JUDGMENT THEREON**

Action Filed: June 11, 2020
Trial Date: None Set

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On March 23, 2020, Plaintiff complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending a letter, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendant, setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “A” to Gaines Decl.).

1 2. Plaintiff filed her Representative Action Complaint on June 11, 2020, seeking
2 penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.3,
3 226.7, 510, 512, 558, 1194, 1198, and 2802. (Gaines Decl. at ¶ 7).

4 3. The parties thereafter conducted informal discovery to ascertain the size of the
5 aggrieved employee group, the number of affected pay periods at issue among them, and the
6 strength of their claim. (Gaines Decl. at ¶ 8).

7 4. Being fully apprised of the value and strength of Plaintiff's claims, the parties
8 participated in a mediation with Hon. Judge Leo Papas (Ret.) on April 21, 2021 in an attempt to
9 resolve the claims asserted in the Action. (Gaines Decl. at ¶ 9).

10 5. The parties engaged in arm's-length negotiations and reached a resolution of the
11 PAGA claims asserted in the action following their acceptance of a mediator's proposal by Judge
12 Papas. Based on the information and documents obtained through informal discovery and during
13 mediation, Plaintiff assessed the maximum value of the PAGA claims (without stacking) asserted
14 to be approximately \$4,051,300 (at the rate of a \$100.00 penalty for 40,513 pay periods at issue for
15 approximately 1,492 aggrieved employees through the date of mediation). (Gaines Decl. at ¶ 10).

16 6. The amount of the settlement is \$525,000 and includes an apportionment of
17 attorneys' fees and costs, payment to the settlement administrator, and a general release payment
18 to Plaintiff White. (Gaines Decl. at ¶ 11).

19 7. Based on their extensive experience litigating over 100 representative actions,
20 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
21 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit "B" to Gaines Decl.).

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1 8. The parties request that the Court enter the accompanying order, approving their
2 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
3 2699(l), and entering judgment thereon. (Gaines Decl. at ¶ 12).

4 **IT IS SO STIPULATED.**

5
6 Dated: May 12, 2021

Dated: May 12, 2021

7 For Plaintiff:

For Defendant:

8 GAINES & GAINES, APLC

WILSON TURNER KOSMO LLP

9
10 By: *Daniel F. Gaines*
DANIEL F. GAINES

By: 
LEONID M. ZILBERMAN

11
12 **ORDER**

13 The Court, having reviewed the parties' Settlement Agreement and Release of Claims (the
14 "Settlement" or "Settlement Agreement") attached as Exhibit "C" to the concurrently-filed
15 Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of
16 Daniel F. Gaines and exhibits attached thereto, hereby ORDERS:

17 1. The Court finds the Settlement was entered into in good faith, that the settlement is
18 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
19 requirements for approval of PAGA representative actions under California law.

20 2. The Court approves the penalties to be paid to the aggrieved employees and the State
21 of California as set forth in the Settlement, pursuant to Labor Code § 2699(l). The Court further
22 approves all payments to be made to Plaintiff's counsel and Plaintiff White based on the terms of
23 the Settlement.

24 3. The Court approves the Settlement Agreement and enters judgment thereon.

25 4. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement
26 based on the provisions and timelines set forth in the Settlement Agreement.

1 5. This Court shall retain jurisdiction solely for the purposes of addressing: (1) the
2 interpretation and enforcement of the terms of the Settlement Agreement; (2) settlement
3 administration matters; and (3) such post-Judgment matters as may be appropriate under court rules
4 or as set forth in the Settlement Agreement, as permitted by Code of Civil Procedure section 664.6
5 and any other applicable law.

6 **IT IS SO ORDERED.**

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8 Dated: _____

JUDGE OF THE SUPERIOR COURT