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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

KEVIN GALVAN; DANIEL BARRON
NETZAHUEL; DANIEL CARRILLO;
IRVING A. ROMERO; OSCAR SINIBALDI;
SEBASTIAN TOVAR,

Plaintiffs,

v.

MCKENNA MOTOR COMPANY, INC.; and
DOES 1 through 100,

Defendants.

Case No.: 20STCV11262

[Hon. Tiana J. Murillo, Dept. 78]

**SUPPLEMENTAL DECLARATION OF
PLAINTIFFS' COUNSEL IN SUPPORT
OF MOTION FOR APPROVAL OF
SETTLEMENT OF CLAIMS BROUGHT
PURSUANT TO THE PRIVATE
ATTORNEY GENERAL'S ACT OF 2004
("PAGA")**

Hearing Date: 3/18/25
Hearing Time: 8:30 a.m.
Dept.: 78

Reservation ID: 574816076700

Complaint Filed: 03/20/2020

I, Lynn P. Whitlock, declare:

1. I am an attorney with Rizio Lipinsky Heiting, PC, counsel herein for plaintiffs in this matter. I have personal knowledge of the facts herein stated and am qualified to testify thereto if called as a

1 witness. I submit this supplemental declaration in support of the Motion for Approval of PAGA
2 settlement currently pending before this Court.

3 2. This matter was originally set for hearing January 13, 2025. On December 27, 2024, this Court
4 continued the hearing to the current date and time.

5 3. As stated in the Confidential Settlement Agreement and General Release filed as Exhibit 1 to
6 plaintiffs' Motion for Approval filed on October 21, 2024, an un-redacted version of which is filed with
7 the Court pursuant to the concurrently filed Joint Motion to Seal Confidential Settlement Agreement,
8 and in the Motion for Approval, a total of \$15,080.00 of the gross settlement amount is allocated to
9 settlement of the PAGA claims, from which \$6,032.00 will be deducted to account for attorneys' fees
10 (40% of \$15,080 – the same percentage paid by plaintiffs for fees on their individual recoveries), and
11 \$508.00 for the PAGA class's proportionate share of costs, and \$4,951.20 for the expenses of CPT
12 Group, who will administer and distribute the PAGA settlement. The net proposed PAGA recovery,
13 therefore, is \$3,588.80 (\$15,080.00 - \$6,032.00 - \$508.00 - \$4,951.20). From this amount, 75%, or
14 \$2,691.60, is to be paid to the LWDA, and the balance of \$897.20 is to be distributed to the aggrieved
15 PAGA employees. There are 58 members of the PAGA class, with a total of 1,508 pay periods. (See
16 Section III of points and authorities in support of Motion for Approval, on pgs. 4:14-5:1; and footnote 1
17 of the settlement agreement filed as Exhibit 1 to the Motion for Approval.)

18 4. Attached hereto as Exhibit 5 is a true and correct copy of documents relating to, and evidencing
19 service upon the California Labor & Workforce Development Agency ("LWDA") on March 17, 2020,
20 of our notice of intent to file the complaint in this matter, including a receipt for submittal to LWDA
21 on-line, as provided by Labor Code section 2699.3(a), which documents were also served on LWDA by
22 way of certified mail.

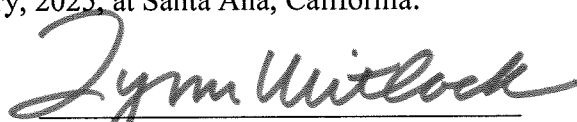
23 5. The operative First Amended Complaint, with the newly added PAGA claim, was filed with this
24 Court on May 20, 2020. Exhibit 6 hereto is a true and correct copy of the receipt verifying that we filed
25 a copy of the conformed operative First Amended Complaint with the case number (20STCV11262),
26 with LWDA by way of its on-line portal, pursuant to Labor Code section 2699(s)(a). Included in
27 Exhibit 6 is a true and correct copy of the First Amended Complaint we included with this on-line
28 LWDA filing.

1 6. Exhibit 7 hereto is a true and correct copy of the receipt verifying we filed a copy of the Motion
2 for Approval, and the Joint Motion to Seal Confidential Settlement Agreement also with the LWDA by
3 way of its on-line portal. This was done on January 17, 2025. On that date, we filed with the LWDA
4 the following documents: (a) a conformed copy of this Motion for Approval of PAGA settlement, and
5 all documents filed with, and in support of said Motion; (b) a conformed copy of Joint Motion to Seal
6 Confidential Settlement Agreement set for hearing at the same time as this Motion; (c) a conformed
7 copy of the Declaration of Derek M. Mayor in support of the Joint Motion to Seal Confidential
8 Settlement Agreement; and (d) this Court's Minute Order setting the hearing on both motions for March
9 18, 2025.

10 7. Exhibit 8 hereto is a true and correct copy of the receipt verifying we filed a copy of this
11 Supplemental Declaration with LWDA through its on-line portal on January 17, 2025.

12 8. To date, we have received no response from LWDA to our proposed PAGA settlement,
13 including any objections thereto. I attempted to contact LWDA by telephone on January 14 and 15,
14 2025, at the phone number LWDA provides for PAGA questions (510-286-1340) to discuss the
15 proposed settlement, and left messages on both dates for someone with LWDA to return the call, but I
16 received no return phone call, nor has LWDA contacted us in any way about this proposed settlement.

17 I declare under penalty of perjury under the laws of the state of California that the foregoing is
18 true and correct. Executed this 17th day of January, 2025, at Santa Ana, California.

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20 Lynn P. Whitlock
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