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8 Attorneys for Plaintiff David Centeno, individually and on behalf of all similarly situated
9 individuals, and on behalf of the general public,

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES—NORTHWEST DISTRICT**

12 DAVID CENTENO, on behalf of himself
13 and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

14 Plaintiffs,

15 v.

16 FIRST FINANCIAL CREDIT UNION, a
17 California corporation, and DOES 1
18 through 10, inclusive,

19 Defendants.

CASE NO: 20PSCV00445

*Assigned to the Hon. Peter A. Hernandez,
Department O*

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND DISMISSING ACTION WITH
PREJUDICE**

Action Filed: July 9, 2020

STIPULATION

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

1. On May 1, 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.).

2. Plaintiff filed his Representative Action Complaint on July 9, 2020, seeking penalties pursuant to Labor Code § 2699(f) for alleged violations of Labor Code §§ 201, 202, 226(a), 226.7, 510, 512, and 1194 and pursuant to Labor Code § 2699(a) for alleged violations of Labor Code §§ 226.3 and 558. (Gaines Decl. at ¶ 7).

3. The parties thereafter conducted informal discovery to ascertain the size of the alleged aggrieved employee group, the number of affected pay periods at issue among them, and the strength of Plaintiff’s claims. (Gaines Decl. at ¶ 8).

4. Being fully apprised of the value and strength of Plaintiff’s claims, the parties participated in a mediation with Hon. Gail A. Andler (Ret.) on February 11, 2021 in an attempt to resolve the claims asserted in the Action. (Gaines Decl. at ¶ 9).

5. The parties engaged in arm’s-length negotiations and reached a resolution of the PAGA claims asserted in the action. Based on the information and documents obtained through informal discovery and during mediation, Plaintiff assessed the realistic maximum value of the PAGA claims to be approximately \$580,000 (at the rate of a \$100 penalty for 5,800 pay periods at issue for approximately 140 aggrieved employees during the applicable time frame, without stacking multiple violations). (Gaines Decl. at ¶ 10).

6. The amount of the settlement is \$100,000, which represents 17.2% of the realistic maximum recoverable discretionary penalties and includes an apportionment of attorneys’ fees and costs and an incentive award to Plaintiff Centeno. (Gaines Decl. at ¶ 11).

1 7. Defendant disputes and denies any liability or wrongdoing of kind associated with
2 the claims alleged in this matter. As a result, Defendant has agreed to pay a reasonable amount in
3 order to resolve this matter.

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

7 9. The parties request that the Court enter the accompanying order, approving their
8 settlement (attached to the Gaines Declaration as Exhibit “C”), as permitted by Labor Code §
9 2699(l), and dismissing this Action with prejudice. (Gaines Decl. at ¶ 12).

10 **IT IS SO STIPULATED.**

11
12 Dated: April 21, 2021

GAINES & GAINES
A Professional Law Corporation

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15 By: Daniel F. Gaines
16 DANIEL F. GAINES
17 EVAN S. GAINES
Attorneys for Plaintiff

18 Dated: April 21, 2021

MAGARIAN & DIMERCURIO, APLC

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20 By: /s/ Krista L. DiMercurio
21 KRISTA L. DIMERCURIO
22 Attorneys for Defendant FIRST FINANCIAL
23 CREDIT UNION
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ORDER

The Court, having reviewed the parties' Private Attorneys General Act (Labor Code § 2698 et. seq.) Settlement Agreement (the "Settlement" or "Settlement Agreement") attached as Exhibit "C" to the concurrently-filed Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of Daniel F. Gaines and exhibits attached thereto, hereby ORDERS:

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

2. The Court approves the penalties to be paid to the aggrieved employees and the State of California as set forth in the Settlement, pursuant to Labor Code § 2699(1). The Court further approves all payments to be made to Plaintiff's counsel and Plaintiff Thrower based on the terms of the Settlement.

3. This Action is hereby DISMISSED WITH PREJUDICE.

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

5. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to
3 the within action. My business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301.

4 _____ (For messenger) my business address is:

5 On April 22, 2021, I served the foregoing document described as **STIPULATION AND [PROPOSED]**
6 **ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS, AND**
7 **DISMISSING ACTION WITH PREJUDICE** on the interested parties in this action by placing a true copy thereof
8 enclosed in sealed envelopes addressed as follows:

9 **Mark D. Magarian, Esq.**
10 **Krista L. Dimercurio, Esq.**
11 **MAGARIAN & DIMERCURIO, APLC**
12 **315 N. Puente Street, Suite A**
13 **Brea, California 92821**

14 On the above date:

15 X (BY ☒ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
16 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
17 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
18 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
meter date is more that one day after date of deposit for mailing in affidavit.

19 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
20 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
21 carrier or driver authorized by the express carrier to receive documents.

22 _____ (BY FACSIMILE TRANSMISSION) On April 21, 2021, at _____ a.m./p.m., at Calabasas, California, I
23 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
24 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
25 telephone number(s) of the receiving facsimile machine was (____) ____-____. A transmission report was properly
26 issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
27 the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

28 _____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

_____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission via email on the counsel of record listed above.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2021 at Calabasas, California.

25 Beatriz Franco
26 BEATRIZ FRANCO