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September 28, 2022

VIA ELECTRONIC SUBMISSION ONLY

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VIA EMAIL SERVICE

PERFORMING ARTS CENTER OF LOS ANGELES COUNTY

Joshua B. Wagner, Esq. (jwagner@grsm.com)
GORDON REES SCULLY MANSUKHANI, LLP
633 West Fifth Street, 52nd Floor
Los Angeles, CA 90071

Re: NOTICE OF SETTLEMENT

Nery Marroquin, et al. v. Performing Arts Center of Los Angeles County, et al.
Los Angeles County Superior Court Case No: 20STCV33336
LWDA Case No. LWDA-CM-784834-20

Attention:

A stipulation, through the parties' respective counsel, to resolve the PAGA claims in NERY MARROQUIN and JOSE CASTANEDA v. PERFORMING ARTS CENTER OF LOS ANGELES COUNTY et al., filed in the Superior Court of California for the County of Los Angeles (Case Number: 20STCV33336), was fully executed on September 22, 2022. Plaintiffs will file a motion/application with the Court seeking approval of the parties' stipulation to resolve the PAGA claims. A true and correct copy of this PAGA stipulation is included with this notice.

On September 1, 2020, plaintiffs commenced the above referenced lawsuit alleging causes of action for (1) failure to pay wages and/or overtime, (2) failure to provide meal and/or rest breaks, (3) violation of Labor Code Section 226, (4) violation of Business and Professions Code Section 17200, (5) waiting time penalties pursuant to Labor Code Section 203, (6) Labor Code Section 98.6 retaliation and (7) Private Attorney General Action pursuant to Labor Code Section 2699. Defendant denies the allegations of the complaint, denies any failure to comply with the laws identified in the complaint and otherwise in the lawsuit and further denies any and all liability for the causes of action alleged.

The parties engaged in substantial formal discovery through which plaintiff obtained information on the policies and practices of the security department for the Defendant as well as relevant payroll and time and attendance records for the aggrieved employees during the PAGA period. The parties remotely attended a private mediation on August 18, 2022.

Defendant estimates that as of May 28, 2022, there were 179 alleged aggrieved employees who have worked a total of 10,522 PAGA Pay Periods. The PAGA Period is from June 29, 2019 to

Labor Code § 2699

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the date of the Court's approval of the representative settlement or when the PAGA Pay Period hits 12,000, whichever comes first.

Under the stipulation, subject to Court approval, all of the aggrieved employees are deemed to release all PAGA penalties that were alleged, or reasonably could have been alleged, based on the PAGA Period facts stated in the operative complaint including those arising from Labor Code §§ 200, 201, 201.5, 202, 203, 204, 205.5, 206, 206.5, 208, 210, 226, 226(a)(1), 226(a)(5), 226(a)(8), 226(a)(9), 226(c), 226(e)(1), 226(f), 226.3, 226.6, 226.7, 226.8, 227.3, 510, 512, 512(a), 551, 552, 553, 558, 558(a)(3), 558.1, 1174(d), 1194, 1197, 1197.1 and 1199 relating to (1) failure to pay all overtime wages, (2) failure to pay all minimum wages, (3) failure to pay wages, (4) failure to pay for all work, including off-the-clock work, (5) failure to provide proper meal periods, (6) failure to authorize and permit rest periods, (7) failure to furnish accurate wage statements, (8) waiting time penalties, (9) unlawful rounding of labor time and (10) failure to timely pay final wages.

Subject to Court approval, the PAGA stipulation provides in pertinent part:

1. The gross settlement amount is \$360,000;
2. PAGA counsel's fees shall not exceed \$136,800;
3. PAGA counsel's expenses reimbursement shall not exceed \$19,500;
4. Plaintiff Nery Marroquin shall receive an enhancement award of \$2,000;
5. Plaintiff Jose Castaneda shall receive an enhancement award of \$2,000;
6. The administrator shall not receive payment in excess of \$5,000; and
7. PAGA Penalties no less than \$194,700 shall be paid from the gross settlement amount with 75% allocated to the LWDA and 25% allocated to the aggrieved employees.

Plaintiffs anticipate filing a motion seeking approval of the PAGA stipulation within the next two weeks. Our office may be reached at 818.788.1123 or emailed at jritz@rrhltp.com. Thank you.

Cordially,

T. JOSHUA RITZ & ASSOCIATES, INC.

T. Joshua Ritz

By: _____
T. Joshua Ritz