

ELECTRONICALLY FILED

Superior Court of California,
County of San Diego

08/19/2022 at 10:09:00 PM

Clerk of the Superior Court
By Chelsea Martinez, Deputy Clerk

MARISSA GARCIA, an individual, for the real
party in interest, the State of California

Plaintiff,

v.

COMMONWEALTH FINANCIAL
NETWORK and DOES 1 through 50,

Defendants.

Case No. 37-2020-00020219-CU-OE-CTL

Judge: Ronald F. Fraizer
Department: C-65

**~~PROPOSED~~ JUDGMENT AND ORDER
GRANTING PLAINTIFF'S UNOPPOSED
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Judge: Ronald F. Fraizer
Dept.: C-65
Date: July 22, 2022
Time: 8:30 a.m.

1 Plaintiff MARISSA GARCIA's Unopposed Motion for Approval of PAGA Settlement
2 pursuant to the Private Attorneys General Act of 2004, encoded in Cal. Labor Code section 2698
3 et. seq. (hereinafter "PAGA") was heard in Department C-65 of the above entitled Court on
4 ^{CM Per Court} 7/22/22. On good cause shown, this Court rules as follows:

5 WHEREAS Plaintiff filed the instant Lawsuit against Defendant COMMONWEALTH
6 FINANCIAL NETWORK on behalf of the State of California, pursuant to the PAGA, subsequent
7 to giving written notice to the California Labor and Workforce Development Agency ("LWDA")
8 and Defendant as required by California Labor Code section 2699.3;

9 WHEREAS the operative Complaint in this case asserts representative claims for civil
10 penalties under the PAGA for (1) violation of Labor Code section 246; (2) violation of Labor Code
11 sections 510 and 1194; (3) violation of Labor Code section 226(a)(1); (4) violation of Labor Code
12 section 226(a)(5); (5) violation of Labor Code section 226(a)(9); (6) violation of Labor Code
13 section 226(a); (7) violation of Labor Code section 204; (8) violation of Labor Code sections 201,
14 202, and 203; and (9) violation of Labor Code section 432.5;

15 WHEREAS the Parties desire to settle the Lawsuit solely for the purpose of avoiding the
16 burden, time, expense and uncertainty of continuing litigation, and for the purpose of putting to rest
17 the controversies engendered by the Lawsuit;

18 WHEREAS California Labor Code section 2699(l)(2) states that "[t]he superior court shall
19 review and approve any settlement of any civil action filed pursuant to [PAGA]; and

20 WHEREAS the Court has reviewed and considered (1) the proposed Settlement Agreement,
21 (2) the notice and motion, (3) the declarations submitted in support thereof, and (4) the exhibit(s)
22 attached to the declarations submitted therewith.

23 Based thereon, the Court **HEREBY MAKES THE FOLLOWING FINDINGS:**

24 1. That all terms used herein shall have the same meaning as defined in the Settlement
25 Agreement.

26 2. That this Court has jurisdiction over the subject matter of the Lawsuit and over all
27 Parties to the Lawsuit.

28 3. That the Settlement was entered into in good faith, that the Settlement is fair to those

1 affected and that Plaintiff, by and through her Counsel, has satisfied the standards and applicable
2 requirements for approval of a settlement of a claim brought under the PAGA (Cal. Labor Code §
3 2698 et. seq.).

4 **GOOD CAUSE APPEARING, it is HEREBY ORDERED THAT:**

5 1. The terms of the Settlement Agreement are fair to those affected, and therefore, are
6 approved by the Court.

7 2. The Court grants Plaintiff's Unopposed Motion for Approval of PAGA Settlement.

8 3. From the \$165,000 gross settlement, \$9,404.51 is to be allocated towards litigation
9 costs, \$66,000 is allocated towards attorneys' fees, \$2,500 is allocated towards the Settlement
10 Administrator's costs, and \$87,095.49 is allocated towards civil penalties under the PAGA.

11 4. As delineated in subdivision (i) of Labor Code section 2699, from the **\$87,095.49**
12 allocated to civil penalties under the PAGA, 75%, or **\$65,321.62**, shall be paid to the LWDA "for
13 enforcement of labor laws, including the administration of this part, and for education of employers
14 and employees about their rights and responsibilities under this code"; and the remaining 25%, or
15 **\$21,773.87**, shall be paid to the aggrieved employees.

16 5. A Compliance Hearing shall take place on March 24, 2023 at 8:30 am in department C-
17 65. The Settlement Administrator's Report shall be filed by Plaintiff on or before March 15, 2023.

18 6. Unless specified here, all distributions shall be effectuated pursuant to the terms in the
19 Settlement Agreement.

20 7. The Court hereby enters final Judgment in this case in accordance with the terms of the
21 Settlement Agreement;

22 8. This document shall constitute a Judgment for purposes of Labor Code section
23 2699(1)(2)-(3); and

24 9. The Court retains jurisdiction over the interpretation, enforcement, and implementation
25 of the Settlement Agreement and of this Order and Judgment.

26 **IT IS SO ORDERED**

27 DATED: 08/19/2022



Honorable Ronald F. Fraizer
Judge of the Superior Court