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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF TULARE
11

12 JERIANN KERNS, as an aggrieved employee
pursuant to the Private Attorneys General Act
13 ("PAGA"), on behalf of the State of California
and other aggrieved employees,

14 Plaintiff,

15 vs.

16 BANK OF THE SIERRA, a California
17 corporation; and DOES 1 through 10, inclusive,

18 Defendants.
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ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

01/25/2022

STEPHANIE CAMERON, CLERK
Nicole Renteria, Deputy

Case No. 283185

Assigned to the Hon. Bret D. Hillman

**[PROPOSED] ORDER APPROVING THE
PARTIES' PAGA SETTLEMENT
AGREEMENT AND JUDGMENT**

1 **ORDER APPROVING THE PARTIES'**

2 **PAGA SETTLEMENT AGREEMENT AND JUDGMENT**

3 1. The Court has received and considered the application of Plaintiff Jeriann Kerns as an
4 aggrieved employee, and as a private attorney general under the Labor Code Private Attorneys General
5 Act of 2004, §§ 2698, *et seq.* ("PAGA"), for approval of the Parties' PAGA Settlement Agreement
6 ("Settlement"). **GOOD CAUSE** having been shown, the Court hereby approves the Settlement.

7 2. This Order hereby adopts and incorporates by reference the terms and conditions of the
8 Settlement.

9 3. The Court finds that it has jurisdiction over the subject matter of the action and over all
10 Parties to the action, including all Aggrieved Employees.

11 4. The Court hereby finds that the Settlement is, in all respects, fair, reasonable, adequate in
12 view of PAGA's purpose and policies, and hereby directs implementation of all remaining terms,
13 conditions, and provisions of the Settlement.

14 5. The Settlement is not an admission by Defendant, nor is this Order and Judgment a
15 finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and
16 Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the
17 Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission,
18 concession, or liability whatsoever by or against Defendant.

19 6. The settlement of civil penalties under PAGA in the amount of approximately \$62,000
20 is hereby approved. Seventy-Five Percent (75%), or approximately \$46,500, shall be paid to the
21 California Labor and Workforce Development Agency. The remaining Twenty-Five Percent (25%), or
22 approximately \$15,500, shall be paid to Aggrieved Employees.

23 7. The Court hereby awards ^{BDH} ~~\$55,000~~ in attorneys' fees and costs to Plaintiff's Counsel,
24 ^{\$43,000}
Capstone Law APC.

25 8. The Court approves a Service Award of \$7,500 to Jeriann Kerns.

26 9. The Court appoints Simpluris, Inc. to serve as the Settlement Administrator.

27 10. This Judgment shall be binding on all Aggrieved Employees and the State of California,
28 who are hereby barred by the doctrine of res judicata from re-litigating the Settled Claims during the

1 Settlement Period, as those terms are defined by the Settlement. *See Arias v. Superior Court*, 46 Cal. 4th
2 969, 986 (2009) (holding that a judgment in a representative action brought by an aggrieved employee
3 under PAGA is binding not only on the named employee plaintiff but also on state labor law
4 enforcement agencies and any aggrieved employee not a party to the proceeding).

5 11. Without affecting the finality of the Order and Judgment, the Court shall retain exclusive
6 and continuing jurisdiction under California Code of Civil Procedure § 664.6, over the above-captioned
7 action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.

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9 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

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11 Date 01/25/2022


12 Hon. Bret D. Hillman
13 Kern County Superior Court Judge
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