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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

EDWARD HONER,

Plaintiff,

v.

BARNES SOLAR, INC.; RICHARD
BARNES; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 20SMCV01173

**~~PROPOSED~~ ORDER APPROVING
SETTLEMENT AGREEMENT AND
ENTERING FINAL JUDGMENT**

Assigned for all purposes to:
Hon. Jay Ford III, Dept.: O

Date: March 1, 2022
Time: 8:30 a.m.

Complaint Filed: August 28, 2020

FILED
Superior Court of California
County of Los Angeles

03/02/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: K. Neal Deputy

1 On March 1, 2022, a hearing was held on the motion for Plaintiff Edward Honer's
2 ("Plaintiff") motion for approval of a settlement agreement pursuant to California's Private
3 Attorney General Act ("PAGA") (the "Settlement"). The Court having considered all papers
4 filed and proceedings herein and otherwise being fully informed, and having made this Judgment
5 which constitutes a final adjudication of this matter on the merits, and good cause appearing,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

7 1. All terms used for purposes of this Order and Judgment, not otherwise defined, shall
8 have the same meaning as given in the PAGA Settlement Agreement ("Settlement") executed
9 between the Parties on December 28, 2021.

10 2. Pursuant to the Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab.
11 Code §§ 2699(1)(2), (1)(4), the Labor Workforce and Development Agency ("LWDA") has been
12 given notice of the Settlement. Pursuant to PAGA, on the date the parties filed the motion seeking
13 approval of the Settlement with the Court, Plaintiff submitted to the LWDA a notice of the
14 Settlement enclosing a copy of the Settlement. The Court finds and determines that Plaintiff's
15 notice of the Settlement complied with the statutory requirements of PAGA.

16 3. The Court confirms approval of the Settlement as to the following group of
17 individuals, collectively referred to as the "PAGA Settlement Group Members":

18 The fifty-one (51) current and former non-exempt employees of
19 Defendants in California who worked at any time during the period
20 from August 28, 2019 to the date that the Court approves this
Settlement.

21 4. This Court has jurisdiction over the subject matter of this litigation, over all PAGA
22 Settlement Group Members, and over those persons and entities undertaking affirmative
23 obligations under the Settlement.

24 5. The Court finds that the Settlement is, in all respects, fair, reasonable, and adequate.
25 Accordingly, the Court hereby finally and unconditionally approves the Settlement.

26 6. The Court approves the Notice to PAGA Settlement Group Members, Exhibit B to
27 the Settlement Agreement, which provides instructions for PAGA Settlement Group Members to
28 dispute and/or correct their Settlement Share before payments are made.

1 7. The Court finds that each PAGA Settlement Group Member, in accordance with the
2 Settlement, releases the following "Released Claims" against the Released Parties.

3 Any and all individual and representative claims under PAGA of
4 whatever kind or nature, whether known or unknown, arising
5 during the Covered Period based on the facts alleged by Plaintiff in
6 the Action and Plaintiff's notice letter to LWDA, including but not
7 limited to claims under Labor Code sections 201-204, 206, 210,
226, 226.3, 510, 512, 558, 1174, 1174.5, 1182.12, 1194, 1194.2,
1197, 1197.1, 2802, 2698, 2699.3, and 2699.5, the Industrial
Welfare Commission Wage Orders, and any resulting claim for
attorneys' fees and costs.

8 8. The Court finds that the Total Settlement Amount, Net Settlement Amount, and the
9 methodology used to calculate and pay each Settlement Share, in accordance with the Settlement,
10 are fair and reasonable.

11 9. The Court authorizes the Settlement Administrator to calculate and pay the
12 Settlement Shares, in accordance with the terms of the Settlement.

13 10. The Court awards the Settlement Administrator in this Action its fees and costs of
14 \$3,000.00, in accordance with the terms of the Settlement Agreement.

15 11. The Court awards to Plaintiff's Counsel in this Action its fees of \$40,000.00 and
16 costs of \$2,854.77, in accordance with the terms of the Settlement Agreement.

17 12. The Court approves the allocations and payment of one hundred twenty thousand
18 dollars (\$120,000.00) as for the compromise of claims brought under PAGA, to be paid in
19 accordance with the terms of the Settlement. Under the terms of the Settlement, seventy-five
20 percent (75%) of the Net Settlement Amount will be paid to the State of California Labor
21 Workforce Development Agency ("LWDA Payment"); the remaining amount of the Net Settlement
22 Amount shall be distributed to the PAGA Settlement Group Members in accordance with the terms
23 of the Settlement.

24 13. Checks for the Settlement Shares sent to PAGA Settlement Group Members shall
25 be valid for one hundred eighty (180) days after issuance. Funds remaining from any checks for
26 Settlement Shares uncashed after one hundred eighty (180) days will be disbursed to the California
27 State Controllers' Office Unclaimed Property Fund in the name of the individual PAGA Settlement
28 Group Member for his or her benefit.

1 14. The Court retains exclusive and continuing jurisdiction over this Action for purposes
2 of supervising, administering, implementing, interpreting, and enforcing this Order and Judgment,
3 as well as the Settlement.

4 15. Nothing in this Order and Judgment or the Settlement shall be construed as an
5 admission or concession by any party. The Settlement and this resulting Order and Judgment simply
6 represent a compromise of disputed allegations.

7 16. Plaintiff is directed to submit a copy of this order to the LWDA within ten (10) days
8 of the date of this Order.

9 17. Within two hundred ten (210) days of the date of this Order, the Parties are directed
10 to file a joint status report regarding the status of the distribution of settlement proceeds. Upon
11 satisfaction that the appropriate payments have been made, the Court will then close this case.

12
13 **IT IS SO ORDERED AND ADJUDGED.**

14
15 DATED: 03/02/2022



Hon. H. Jay Ford III
Los Angeles Superior Court Judge