

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

MENCHILA VILLARUBIA WOODALL, as an
individual and on behalf of all others similarly
situated,

Plaintiffs,

vs.

VASONA MANAGEMENT, INC., a California
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV366143

**ORDER RE: MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

The above-entitled matter came on for hearing on Wednesday, September 15, 2021, at 1:30 p.m. in Department 3, the Honorable Patricia M. Lucas presiding. The court reviewed and considered the written submissions filed by the parties and issued a tentative ruling on Tuesday, September 14, 2021. No party contested the tentative ruling; therefore, the court orders that the tentative ruling be adopted as the order of the court, as follows:

I. INTRODUCTION

This is a representative action pursuant to the Private Attorneys General Act of 2004 (“PAGA”) on behalf of employees of defendant Vasona Management, Inc. (“Defendant”), alleging Defendant provided inaccurate wage statements that failed to identify the correct hourly rates of pay for overtime wages and the pay period start date. The original Complaint, filed on

1 April 20, 2020, included both a class action claim and a PAGA claim. It set forth causes of
2 action for: (1) Violation of Labor Code § 226; and (2) Violation of Labor Code § 2698, et seq.
3 The First Amended Complaint, filed on July 16, 2020, set forth a single PAGA cause of action,
4 which included allegations of violations of various Labor Code sections.

5 The parties reached a settlement of the PAGA claim. On May 24, 2021, plaintiff
6 Menchila Villarubia Woodall (“Plaintiff”) moved for approval of the settlement. On June 17,
7 2021, the court issued an order denying the motion without prejudice. In its order, the court
8 explained that Plaintiff did not file a request to dismiss the class claim before filing the First
9 Amended Complaint, as required by California Rules of Court, rule 3.770(a). Consequently, the
10 court struck the First Amended Complaint, with the result that the original Complaint became the
11 operative pleading.

12 On July 22, 2021, the parties requested, and the court granted, dismissal of the class
13 claims.

14 Plaintiff moved again for approval of the settlement of the PAGA claim on August 6,
15 2021.

16 On September 1, 2021, the court issued an order continuing the motion to approve the
17 settlement of the PAGA claim to September 15, 2021. In its order, the court determined that the
18 settlement agreement needed to be modified to state that the original Complaint is the operative
19 pleading and the parties are settling and releasing the PAGA claim as alleged in the original
20 Complaint. The court also stated that the settlement agreement must be modified to omit the
21 language regarding other unidentified entities or individuals from the Release of Claims by
22 Aggrieved Employees. The court otherwise found the settlement to be fair and reasonable. The
23 court approved a service award for Plaintiff in the amount of \$7,500, attorney’s fees in the
24 amount of \$43,333.33, costs in the amount of \$6,498.30, and up to \$2,250 for the claims
25 administration fee. The court directed the parties to file a declaration attaching a modified
26 settlement agreement addressing the identification of the operative pleading and the scope of the
27 release by September 8, 2021. The court stated that if it was presented with an appropriate
28

1 modified settlement agreement, it expected to be able to approve the settlement as set forth in its
2 order.

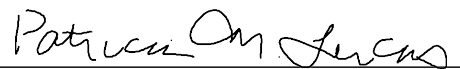
3 On September 8, 2021, Plaintiff's counsel filed a supplemental declaration attaching an
4 Amended Joint Stipulation of Settlement and Release Under the Private Attorneys General Act,
5 California Labor Code § 2698, et seq. ("Modified Settlement Agreement").

6 **II. DISCUSSION**

7 Upon review of Modified Settlement Agreement, the court finds that it conforms to the
8 September 1, 2021 court order. Specifically, the Modified Settlement Agreement states that the
9 original Complaint is the operative pleading and the parties are settling and releasing the PAGA
10 claim as alleged in the original Complaint. (Supplemental Declaration of Nicholas Rosenthal in
11 Support of Plaintiff's Motion to Approve Settlement Agreement Pursuant to the Private
12 Attorneys General Act ("Rosenthal Supp. Dec."), Ex. A, ¶ B.4.) The Modified Settlement
13 Agreement also omits the language regarding other unidentified entities or individuals from the
14 Release of Claims by Aggrieved Employees. (Rosenthal Supp. Dec., Ex. A, ¶ B.14.)

15 Accordingly, Plaintiff's motion to approve the PAGA settlement is GRANTED.

16
17 Dated: September 15, 2021



Patricia M. Lucas
Judge of the Superior Court