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Attorneys for Plaintiff Michael Thompson, on behalf of himself and all "aggrieved employees" pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

MICHAEL THOMPSON, on behalf of himself and all "aggrieved employees" pursuant to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

MESA MANAGEMENT, INC., a California corporation, and DOES 1 through 10, inclusive,

Defendants.

CASE NO: 30-2020-01150629-CU-OE-CXC

Assigned to Judge James Di Cesare, Dept. C16

[PROPOSED] ORDER AND JUDGMENT APPROVING SETTLEMENT OF CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT OF 2004, AWARDING ATTORNEYS' FEES, COSTS, SERVICE AWARD PAYMENT, AND REIMBURSEMENT OF SETTLEMENT ADMINISTRATION EXPENSES

Date: March 4, 2022
Time: 9:30 a.m.
Dept.: C16

Reservation Number: 73655002

Complaint Filed: July 7, 2020

Plaintiff Michael Thompson's ("Plaintiff") Unopposed Motion for an Order and Judgment: (1) granting approval of the proposed settlement of claims brought pursuant to the Private Attorneys General Act of 2004 (Cal. Labor Code § 2698 *et seq.*) ("PAGA") set forth in the parties' Private Attorneys General Act (Labor Code § 2698 *et seq.)* Settlement Agreement ("Settlement Agreement"); (2) appointing ILYM Group, Inc. and approving payment of its fees not to exceed $5,000 from the Gross Settlement Amount; (3) directing disbursement of the Gross Settlement Amount pursuant to the terms of the Settlement Agreement; (4) directing payment of attorneys' fees and litigation costs from the Gross Settlement Amount in the amount of $94,805.62 to Plaintiff's counsel; and (5) directing payment of a service award payment from the Gross Settlement Amount in the amount of $7,500 to Plaintiff came on for hearing before this Court in Department C16, the Honorable James Di Cesare presiding, on March 4, 2022. Appearances were noted on the record.

Having reviewed the Settlement Agreement and duly considered the parties' papers and oral argument, and good cause appearing,

THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

1. All terms used herein shall have the same meaning as defined in the Settlement Agreement, which is attached hereto as Exhibit 1.

2. This Court has jurisdiction over the claims of the PAGA Employees and the State of California asserted in this proceeding and over all parties to the Action.

3. The Court finds that the Settlement was entered into in good faith, that the Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable requirements for approval of PAGA representative actions under California law. The Court finds that the Gross Settlement Amount of $250,000 represents a fair compromise of the claims alleged in the Action, considering the maximum potential value of the claims asserted and the risks inherent in further litigation.

4. The Court has considered the authorities and evidence presented by Plaintiff and based thereon hereby approves the following awards and deductions from the Gross Settlement Amount:

a. To Plaintiff's counsel, Gaines & Gaines, APLC, an award of $83,333.33 in attorneys' fees and $11,472.29 in reimbursement of litigation costs. The Court finds that these amounts are fair and reasonable and commensurate with applicable California law.

b. To Plaintiff Michael Thompson, a service award payment of $7,500. The Court finds that the service provided by Plaintiff in the action justifies this payment.

c. To ILYM Group, Inc., the settlement administrator, a payment of up to $5,000 to administer the Settlement through its conclusion, including disbursement of the Gross Settlement Amount and all tax reporting associated therewith.

5. The amount remaining of the Gross Settlement Amount following these deductions is the Net Settlement Amount of approximately $142,694.48. The Net Settlement Amount shall be distributed 75% to the Labor and Workforce Development Agency and 25% to the PAA Employees.

6. Upon entry of this Order and Judgment, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

7. Judgment is hereby entered consistent with the Settlement Agreement. The Court retains jurisdiction over of the Action and the Parties to construe, interpret, implement, and enforce the Settlement Agreement and this Order and Judgment.

IT IS SO ORDERED.

Dated: _____

_____
HON. JAMES DI CESARE
JUDGE OF THE SUPERIOR COURT