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Attorneys for Plaintiff Latoya Ingram, on behalf of herself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

LATOYA INGRAM, on behalf of herself
and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

6450 MOTORS, LLC, a California limited
liability company, and DOES 1 through 10,
inclusive,

Defendants.

CASE No. HG20069705

*Assigned for All Purposes to Judge Stephen
Pulido, Dept. 517*

UNLIMITED JURISDICTION

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF CLAIMS
AND DISMISSING ACTION WITH
PREJUDICE AND ENTERING JUDGMENT
THEREON**

Complaint Filed: August 5, 2020

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. WHEREAS, on May 20, 2020, Plaintiff filed this representative action, pursuant to the Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) dated August 5, 2020, alleging multiple violations of the Labor Code, after sending a letter to the California Labor & Workforce Development Agency (“LWDA Letter”) pursuant to Labor Code § 2699.3 (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶¶ 6, 7; Exhibits “A” and “B” to Gaines Decl.).

2. WHEREAS, the parties conducted informal discovery through which they ascertained the size of the aggrieved employee group and the number of pay periods worked by them during the applicable statutory period to ascertain the total estimated value of Plaintiff’s claims should Plaintiff prevail in this action. (Gaines Decl. at ¶ 8.)

3. WHEREAS, the parties thereafter attended mediation with Marc Feder on March 22, 2021, engaged in arm’s-length negotiations and reached a resolution of the PAGA claims asserted in the instant action. Based on discovery completed, the maximum value of the penalty claims asserted for the time period reviewed, without stacking multiple alleged violations, is \$210,000 and the amount of the settlement is \$200,000, or 95% of the maximum realistic recoverable penalties (based on approximately 2,100 affected pay periods worked by 74 Aggrieved Employees at the rate of \$100 per pay period, without stacking penalties). (Gaines Decl. at ¶ 9.)

4. WHEREAS, the parties have entered into a settlement agreement to resolve the PAGA claim alleged in Plaintiff’s Complaint and LWDA Letter on behalf of all Exempt Aggrieved Employees and Non-Exempt Aggrieved Employees, as defined in the settlement agreement. (Gaines Decl. at ¶ 6; Exhibit “B” to Gaines Decl.)

5. WHEREAS, based on his extensive experience litigating over 100 representative actions, counsel for Plaintiff believes the Settlement Agreement and Release is fair and reasonable and warrants approval by the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit “C” to Gaines Decl.)

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1 6. WHEREAS, the parties request that the Court enter the accompanying order,
2 approving their Private Attorneys General Act Settlement Agreement and Release (attached to the
3 Gaines Declaration as Exhibit "D"), as permitted by Labor Code § 2699(l), dismissing the Action
4 with prejudice, and entering judgment in accordance herewith.
5

6 **IT IS SO STIPULATED.**

7 For Plaintiff:

8 Dated: April 20, 2021

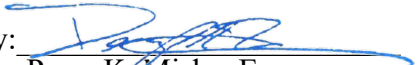
9 GAINES & GAINES, APLC
10

11 By: *Daniel F. Gaines*
12 Daniel F. Gaines, Esq.

For Defendant:

Dated: April 20, 2021

LITTLER MENDELSON, P.C

By: 
Perry K. Miska, Esq.

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ORDER AND JUDGMENT

The Court, having reviewed the parties' Private Attorneys General Act Settlement Agreement and Release attached as Exhibit "B" to the concurrently-filed Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of Daniel F. Gaines, and exhibits attached thereto, hereby ORDERS, DECREES, and ADJUDGES as follows:

1. The Court finds the Private Attorneys General Act Settlement Agreement and Release 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.

2. The Court approves the payments to be paid to the Aggrieved Employees and the State of California as set forth in the Private Attorneys General Act Settlement Agreement, pursuant to Labor Code § 2699(l). The Court approves all payments to be made to Plaintiff, Plaintiff's Counsel and ILYM Group, Inc., based on the terms and timelines set forth in the Private Attorneys General Act Settlement Agreement and Release.

3. The Court approves and confirms the release and waiver of claims and rights under PAGA as to Plaintiff, all Exempt and Non-Exempt Aggrieved Employees, and the LWDA, as provided for in the Private Attorneys General Act Settlement Agreement.

4. Upon entry of this Order and Judgment, the Parties shall effectuate all terms of the Settlement Agreement and Release based on the provisions and timelines set forth within it.

5. This Action is hereby DISMISSED WITH PREJUDICE.

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1 6. This Court shall retain jurisdiction, pursuant to Code of Civil Procedure section
2 664.6 and as otherwise provided by law, with respect to all matters related to the administration
3 and consummation of the Private Attorneys General Act Settlement Agreement and Release, and
4 any and all claims asserted in, arising out of, or related to the subject matter of the lawsuit, including
5 but not limited to all matters related to the settlement and the determination of all controversies
6 relating thereto.

7 **IT IS SO ORDERED.**

8
9 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to
3 the within action; my business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301

4 _____ (For messenger) my business address is:

5 On April 20, 2021, I served the foregoing document described **(1) DECLARATION OF DANIEL GAINES**
6 **IN SUPPORT OF STIPULATION AND [PROPOSED] ORDER APPROVING SETTLEMENT OF CLAIMS**
7 **AND DISMISSING ACTION WITH PREJUDICE AND ENTERING JUDGMENT THEREON and (2)**
8 **STIPULATION AND [PROPOSED] ORDER APPROVING SETTLEMENT OF CLAIMS AND DISMISSING**
9 **ACTION WITH PREJUDICE AND ENTERING JUDGMENT THEREON** the interested parties in this action by
10 placing a true copy thereof enclosed in sealed envelopes addressed as follows:

11 **Joshua J. Cliffe, Esq.**
12 **Perry K. Miska, Jr., Esq.**
13 **LITTLER MENDELSON, P.C.**
14 **333 Bush Street, 34th Floor**
15 **San Francisco, CA 94104**

16 **Labor & Workforce Development Agency**
17 **(Service via Online Submission to www.dir.ca.gov)**

18 ☒ (BY ☒ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
19 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection
20 and processing correspondence for mailing. It is deposited with United States postal service on that same
21 day in the ordinary course of business. I am aware that on motion of party served, service is presumed
22 invalid if postal cancellation date or postage meter date is more that one day after date of deposit for
23 mailing in affidavit.

24 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
25 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an
26 authorized carrier or driver authorized by the express carrier to receive documents.

27 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____, at Calabasas, California, I served the above-
28 referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008 of
the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-
8984 and the telephone number(s) of the receiving facsimile machine was (916) 920-4402. A
transmission report was properly issued by the sending facsimile machine, and the transmission was
reported as complete and without error. Copies of the facsimile transmission cover sheet and the
transmission report are attached to this proof of service.

29 ☒ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
30 transmission via email on the counsel of record listed above.

31 I certify that the above document was printed on recycled paper.

32 I declare under penalty of perjury that the foregoing is true and correct.

33 Executed on April 20, 2021, at Calabasas, California.

34 *Amelia Booth*
35 AMELIA BOOTH