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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

AUG 20 2021

BY Alfie Cervantes
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

TERRI R. MARTINEZ and SHAWN
 HOTINGER, on behalf of the general public as
 private attorney general,

Plaintiffs,

v.

FAMILY DOLLAR, INC., a North Carolina
 Corporation, and DOES 1-50, inclusive,

Defendants.

Lead Case No. CIVDS2001119

Consolidated with Case No. 20STCV27971

Assigned for all Purposes to Hon. David S. Cohn
 Dept. S26

**~~PROPOSED~~ AMENDED ORDER
 GRANTING APPROVAL OF PAGA
 SETTLEMENT**

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on behalf of the general public as private attorney general

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1 Plaintiffs Terri R. Martinez and Shawn Hotinger filed their Motion for Approval of PAGA
2 Settlement. The Court has reviewed the materials and information submitted by the Parties and on April
3 9, 2021 found and ordered the following:

4 1. Plaintiffs Terri R. Martinez and Shawn Hotinger ("Plaintiffs"), on behalf of themselves as
5 the authorized proxies/agents for the State of California, and Defendant Family Dollar, Inc.
6 ("Defendant") (Plaintiffs and Defendant are collectively referred to herein as the "Parties") have agreed
7 to a Settlement of the above-captioned action.

8 2. The Settlement Agreement was executed by Plaintiffs, Plaintiffs' counsel, Defendant, and
9 Defendant's counsel. The Court found that the Settlement was entitled to judicial approval, and met all
10 of the requirements for approval of a settlement under the Labor Code Private Attorneys General Act
11 (PAGA), including that the Parties complied with Labor Code § 2699(1)(2) by submitting a copy of the
12 Settlement Agreement to the California LWDA.

13 3. Pursuant to Labor Code § 2699(1)(2), the Court reviewed the settlement and found the
14 Settlement of PAGA claims described therein to be fair, adequate and reasonable. The Court also found
15 that the LWDA had not objected to the terms of the Settlement. The Court further found that no other
16 objection to the Settlement had been received by the Court.

17 4. The Court approved and confirmed the release and waiver of claims as provided for in the
18 Settlement Agreement.

19 5. The Court also found that the requested attorneys' fees and costs, Plaintiffs' service fees
20 and costs of administration as set forth in the Settlement were reasonable and were approved.

21 6. On May 10, 2021, the Court entered and filed its final order approving the Parties'
22 Settlement. The Court granted approval of the Settlement based on the terms set forth in the Confidential
23 Settlement Agreement and General Release (the "Settlement Agreement" or the "Settlement") which
24 was attached to the May 10 Order as Exhibit 1.

25 7. As of April 9, 2021, when the Parties appeared before the Court for the hearing on the
26 Settlement, the estimated average Employee Payment to each Covered Employee was approximately
27 \$17.90.

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1 8. The Parties agreed that consistent with the terms of the Settlement as approved by the
2 Court, Defendant will pay \$ 9.43 for each Settlement Pay Period in excess of 86,000, through May 10,
3 2021; thus, the Covered Period shall be February 7, 2019 to May 10, 2021, the date the Court approved
4 the Settlement.

5 9. The total Settlement Pay Periods worked by Covered Employees between February 7, 2019
6 and May 10, 2021, exceeded 86,000 and the exact number of Settlement Pay Periods between February
7 7, 2019 and May 10, 2021, is 93,518.

8 10. Consistent with the terms of the Settlement, Defendant will pay \$9.43 for each Settlement
9 Pay Period in excess of 86,000 during the time period February 7, 2019 to May 10, 2021, totalling
10 \$70,894.74.

11 11. Consequently, with the Escalator Payment, the average Employee Payment to each
12 Covered Employee will increase to \$18.20.

13 12. With the Escalator Payment, the Gross Settlement Amount is \$695,894.74 and consistent
14 with Section 1(d) of the Settlement Agreement, the Covered Period under the Settlement is February 7,
15 2019 to May 10, 2021.

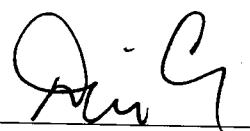
16 13. Accordingly, the Court awards Plaintiffs' counsel attorney fees in the amount of
17 \$231,964.91 or 1/3 of the Gross Settlement Amount of \$695,894.74.

18 14. The Court shall retain continuing jurisdiction over the Parties to this action to ensure
19 effectuation of the Settlement in accordance with the terms of the Settlement and this Order.

20 15. Plaintiffs shall submit a copy of this Order to the LWDA within ten (10) days of entry of
21 this Order.

22 **IT IS SO ORDERED.**

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24 DATED: 8/20/21


HON. DAVID COHN
SAN BERNARDINO SUPERIOR COURT

RECEIVED
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COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
AUG 05 2021