

1 Michael R. Crosner (Bar No. 41299)  
2 [mike@crosnerlegal.com](mailto:mike@crosnerlegal.com)  
3 Zachary M. Crosner (Bar No. 272295)  
4 [zach@crosnerlegal.com](mailto:zach@crosnerlegal.com)  
5 Blake R. Jones (Bar No. 211221)  
6 [blake@crosnerlegal.com](mailto:blake@crosnerlegal.com)  
7 Rex J. Phillips (Bar No. 237747)  
8 [rex@crosnerlegal.com](mailto:rex@crosnerlegal.com)  
9 **CROSNER LEGAL, PC**  
10 9440 Santa Monica Blvd. Suite 301  
11 Beverly Hills, CA 90210  
12 Tel: (310) 496-5818  
13 Fax: (310) 510-6429

14 Attorneys for AGUSTIN MERINO, on behalf of himself  
15 and all others similarly situated and aggrieved

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF ORANGE**

18 AGUSTIN MERINO, as an individual and  
19 on all others similarly situated and  
20 aggrieved,

21 Plaintiff,

22 vs.

23 STERLING MOTORS, LTD. dba  
24 STERLING BMW OF NEWPORT  
25 BEACH, a California Corporation;  
26 WAYNE MORRIS MINOR, an individual,  
27 and DOES 1 to 100, inclusive,

28 Defendants.

Case No.: 30-2020-01175391-CU-OE-CXC

Assigned for all purposes to:  
Judge: William Claster  
Department CX104

**NOTICE OF COURT'S MINUTE ORDER  
RE PLAINTIFF'S MOTION FOR  
APPROVAL OF SETTLEMENT**

Complaint Filed: 8/21/2020  
Trial Date: None set

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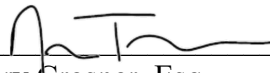
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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that the Court has issued a Minute Order re Plaintiff's Motion for  
3 Approval of PAGA Settlement. Attached hereto as Exhibit A, is a copy of the Court's Minute Order.

4 Dated: December 29, 2022

CROSNER LEGAL, P.C.

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8 Zachary Crosner, Esq.  
9 Nikki Trenner, Esq.  
10 Attorneys for Plaintiff AGUSTIN MERINO  
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**EXHIBIT "A"**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CIVIL COMPLEX CENTER**

**MINUTE ORDER**

DATE: 12/16/2022                      TIME: 10:00:00 AM                      DEPT: CX105

JUDICIAL OFFICER PRESIDING: Randall J. Sherman

CLERK: J. Phu

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: J. Boc

CASE NO: **30-2020-01175391-CU-OE-CXC**    CASE INIT.DATE: 12/18/2020

CASE TITLE: **Merino vs. Sterling Motors, Ltd.**

CASE CATEGORY: Civil - Unlimited    CASE TYPE: Other employment

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EVENT ID/DOCUMENT ID: 73848371

**EVENT TYPE:** Motion for Final Approval

MOVING PARTY: Agustin Merino

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Approval of PAGA Settlement, 08/24/2022

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**APPEARANCES**

No Appearance by all parties

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Tentative Ruling posted on the Internet .

There are no appearances by any party.

Prior to calendar call, all parties submit on the Court's tentative ruling.

The Court confirms the tentative ruling as follows:

Plaintiff's Motion for Approval of Settlement Under the Private Attorneys General Act is granted, except that the court awards an enhancement to plaintiff Agustin Merino only in the amount of \$5,000, which is sufficient and proper for a settlement and aggrieved employee group of this size, and considering the number of hours plaintiff spent on this case. The court concludes that the \$300,000 PAGA settlement, as approved, is fair, adequate and reasonable, and approves the following specific awards:

- \$100,000.00 to plaintiff's counsel for plaintiff's attorneys' fees, as requested;
- \$14,760.83 to plaintiff's counsel for plaintiff's attorney costs, as requested;
- \$5,000.00 to plaintiff Agustin Merino as an enhancement award, reduced from the \$10,000.00 requested;
- \$4,000.00 to the Administrator, Simpluris, Inc., as requested;
- \$132,179.38, which is 75% of the remaining balance of \$176,239.17, to the LWDA as its share of PAGA penalties; and
- \$44,059.79, which is 25% of the remaining balance of \$176,239.17, to the aggrieved employees as their share of PAGA penalties.

The court sets a Final Report Hearing for July 21, 2023 at 10:00 a.m., to confirm that distribution efforts are fully completed, including the distribution of uncashed aggrieved employee checks after 120 days to the State Controller's Office Unclaimed Property Fund in the names of the applicable payees, or if the funds have not yet been delivered, an estimate of when that is expected to occur, that the Administrator's

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work is otherwise complete, and that the court's file thus may be closed. The parties must report to the court the total amount that was actually paid to the aggrieved employees. All supporting papers must be filed at least 16 days before the Final Report Hearing date.

Plaintiff is ordered to give notice of the ruling to the LWDA and to defendants.

PROOF OF SERVICE

*AGUSTIN MERINO VS. STERLING MOTORS, LTD, etc.; et al.*  
*Orange County Superior Court Case No. 30-2020-01175391-CU-OE-CXC*

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 9440 Santa Monica Blvd., Ste. 301, Beverly Hills, CA 90210.

On December 29, 2022, I served true copies of the following document(s) described as

**NOTICE OF COURT'S MINUTE ORDER RE PLAINTIFF'S MOTION FOR APPROVAL OF SETTLEMENT**

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

☐ BY ELECTRONIC TRANSMISSION. I transmitted copies of the above-referenced document(s) on the interested parties in this action by electronic transmission. Said electronic transmission was reported as complete and without error.

☐ BY FACSIMILE TRANSMISSION. I transmitted copies of the above-referenced document(s) on the interested parties in this action by facsimile transmission from (310) 510-6429. A transmission report was properly issued by the transmitting facsimile machine and the transmission was reported as complete and without error.

☒ BY UNITED STATES POSTAL SERVICE. I enclosed the documents in electronic pdf format and submitted them electronically into the mail provider, Letterstream, Inc.'s, online mail portal (letterstream.com) to be mailed addressed to the entities and/or persons listed in the Service List as set forth herein. I caused an envelope containing the documents to be placed for collection and mailing and to be mailed by First Class Mail, following our law firm and Letterstream, Inc.'s ordinary business practices. I am readily familiar with our business practices and the business practices of Letterstream, Inc. for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. Pursuant to that practice, the above-referenced document(s) were sealed in an envelope, with postage paid, and deposited with a post office, mail box, sub-post office, substation, mail chute, or other facility or postal pick up/drop off regularly maintained by the United States Postal Service or an affiliate thereof, at or near Phoenix, Arizona.

☐ BY OVERNIGHT MAIL SERVICE. I enclosed the documents in electronic pdf format and submitted them electronically into the mail provider, Letterstream, Inc.'s, online mail portal (letterstream.com) addressed to the entities and/or persons listed in the Service List as set forth herein. I caused an envelope containing the documents to be placed for collection and mailing and to be mailed by Overnight Mail via Federal Express, following our law firm and Letterstream, Inc.'s ordinary business practices. I am readily familiar with our business practices and the business practices of Letterstream, Inc. for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with Federal Express, an express carrier, in Phoenix, Arizona, or delivered with any and all delivery fees to an authorized courier or driver authorized by the express service carrier to receive documents.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 29, 2022, at Los Angeles, California.

  
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Jessica Ball

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SERVICE LIST  
*AGUSTIN MERINO VS. STERLING MOTORS, LTD, etc.; et al.*  
*Orange County Superior Court Case No. 30-2020-01175391-CU-OE-CXC*

|                                  |                           |
|----------------------------------|---------------------------|
| Jenna M. Warden, Esq.            | Attorneys for Defendant   |
| Selwyn Chu, Esq.                 | STERLING MOTORS, LTD. dba |
| <b>FISHER &amp; PHILLIPS LLP</b> | STERLING BMW OF NEWPORT   |
| 2050 Main Street, Suite 1000     | BEACH                     |
| Irvine, CA 92614                 |                           |