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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF EL DORADO

MICHAEL STEWART, an individual,	)	CASE NO.: PC20200472
	)	[Honorable Judge Dylan Sullivan in Dept 10]
	)	
Plaintiff,	)	[PROPOSED] ORDER APPROVING
	)	SETTLEMENT OF PAGA PENALTIES
	)	
v.	)	
	)	Date:
	)	Time:
	)	Dept: 10
	)	
SHINGLE SPRINGS NISSAN-SUBARU,	)	Complaint Filed: September 23, 2020
INC., and DOES 1 through 25,	)	Trial Date: None Set
	)	Unlimited Civil
	)	
	)	
Defendants.	)	
	)	

1 After consideration of the Motion to Approve Settlement of PAGA Penalties and all
2 supporting moving papers, the Court finds GOOD CAUSE and GRANTS the motion and hereby
3 orders the following:

4 1. The Court approves the settlement of penalties under the Private Attorneys
5 General Act ("PAGA") in this matter in the total amount of Forty Thousand Dollars
6 (\$40,000.00). The Court finds the settlement of PAGA penalties in this matter to be fair,
7 reasonable, to serve public interest, and to be consistent with PAGA's objectives.

8 2. The PAGA Settlement Fund will be calculated by deducting the settlement
9 administration costs, all approved attorney's fees and costs, and approved PAGA service award
10 to Plaintiff.

11 3. The PAGA Settlement Fund shall be allocated as follows: (a) 75% - will be paid
12 to the Labor Workforce Development Agency ("LWDA"), and (b) 25% - shall be distributed to
13 all Aggrieved Employees who worked during the period of September 23, 2019 through the date
14 of entry of an order by the Court in this Action approving this Settlement.

15 4. Upon the Effective Date, Plaintiff, all PAGA Group Members, and the State of
16 California shall be deemed to have fully, finally, and forever released, relinquished, and
17 discharged Shingle Springs Nissan-Subaru from any and all civil penalties which could be
18 assessed upon and collected from Defendant under PAGA for known and unknown violations of
19 California Labor Code sections 201-204, 210, 218.5, 226, 226.7, 510, 512, 1194, 1194.2, and
20 1197 and based upon the facts as alleged in the LWDA Notice and arising during the PAGA
21 Period while employed in California. Collectively, as described herein, the claims to be released
22 are the "Released Claims." This Settlement does not seek to release any other claims or remedies
23 available to PAGA Group Members with respect to any other violations of the Labor Code not
24 specifically included herein.
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1 5. The Court approves attorney's fees to The Gould Law Firm in the amount of
2 Twelve Thousand Dollars (\$12,000.00). The Court approves costs to The Gould Law Firm in the
3 amount of (\$1,994.57).

4 6. The Court approves a Service Award to Plaintiff Michael Stewart in the
5 amount of Seven Thousand Five Hundred Dollars (\$7,500.00).

6 7. The Court approves a payment to CPT Group, Inc. as the administrator in the
7 amount of (\$6,000.00).

8 8. Within twenty-one (21) calendar days after the Effective Date, Shingle Springs
9 Nissan-Subaru, Inc. shall provide the Settlement Administrator with a list of the names, last
10 known addresses, social security numbers, employment dates, and any other information
11 necessary to calculate the number of semi-monthly pay periods for all aggrieved employees.

12 9. Within twenty-one (21) days after the Effective Date, Shingle Springs Nissan-
13 Subaru, Inc. shall pay the gross Settlement Fund to the Claims Administrator.

14 10. Within thirty (30) days after the Effective Date, the Settlement Administrator
15 shall (1) distribute the PAGA Amount in accordance with the Joint Stipulation For Settlement
16 and Release of Private Attorneys General Act Representative Action, (2) the Court approved
17 Attorney's Fees and Costs; (3) then Court approved Service Award to Michael Stewart; and (4)
18 the Court approved Administration costs.

19 11. Aggrieved Employees shall have one hundred and eighty (180) calendar days
20 after mailing to cash their settlement checks. If any Aggrieved Employee's check is not cashed
21 within that period, the check will be void and a stop-payment will be issued. Any funds in the
22 Settlement Administrator's account as a result of a failure to timely cash a settlement check shall
23 be paid to the State Controller Unclaimed Property Fund.

24 12. The Court dismisses this action with prejudice.

25 13. The Parties shall serve the Labor Workforce Development Agency with this
26 Order within ten (10) days after entry pursuant to *California Labor Code* § 2699 (1)(3).
27

1 14. The Parties shall comply with all obligations and provisions set forth in the Joint
2 Stipulation For Settlement and Release of Private Attorneys General Act Representative Action
3 signed in this action.

4 15. The Court will have continuing jurisdiction solely for purposes of addressing: (i)
5 the interpretation and enforcement of the terms of the Settlement, (ii) settlement administration
6 matters, and (iii) such post-order matters as may be appropriate under court rules or as set forth
7 in the Settlement of this matter.

8 **IT IS SO ORDERED.**

9
10 Dated:

Honorable Judge of the Superior Court