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3 **CASTLE LAW: CALIFORNIA EMPLOYMENT COUNSEL, PC**

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on behalf of himself and similarly situated employees

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10 **SUPERIOR COURT OF CALIFORNIA**
11 **FOR THE COUNTY OF SACRAMENTO**
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14 JUNIOR GARCIA,

15 Plaintiff,

16 vs.

17 S.V.M. CORPORATION; DOES 1 to 20,
18 inclusive,

19 Defendants
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Case No. 34-2020-00284788

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION TO APPROVE PRIVATE
ATTORNEYS GENERAL ACT
SETTLEMENT AND DISMISS PAGA
CLAIMS WITH PREJUDICE**

Date: February 18, 2021

Time: 9:00 a.m.

Dept.: 54

Judge: Hon. Christopher E. Krueger

Reservation No. 2549517

Filed: August 25, 2020

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that at 9:00 a.m., on February 18, 2021, or as soon thereafter as the
3 matter can be heard, in Department 54 of the Sacramento County Superior Court, 813 6th Street, 2nd
4 Floor, Sacramento, California 95814, Plaintiff Junior Garcia ("Plaintiff") will move the Court for an
5 order as follows:

- 6 1. Finding that Plaintiff exhausted administrative remedies under the Private Attorneys
7 General Act ("PAGA") and, as such, was authorized to enter into this settlement on behalf
8 of the Labor and Workforce Development Agency;
- 9 2. Approving the \$145,000.00 PAGA Settlement, which is incorporated by reference as if
10 stated here in full;
- 11 3. Approving the application for payment to class counsel of reasonable costs in an amount
12 not to exceed \$5,019.60;
- 13 4. Approving the application for payment to class counsel of reasonable attorneys' fees in the
14 amount of \$58,000.00 (40% of Settlement Amount);
- 15 5. Approving Rust Consulting as the third-party administrator to administer the PAGA
16 settlement according to the terms of the settlement agreement, and approving the payment
17 of up to \$6,000.00 to Rust Consulting to administer the settlement;
- 18 6. Approving PAGA penalty allocations wherein \$75,980.40 of the Gross Settlement
19 Amount shall be allocated civil penalties pursuant to the allocation set forth in Labor Code
20 section 2699(i), with \$56,985.30 being awarded to the State of California and \$18,995.10
21 being awarded to Similarly Situated Employees;
- 22 7. Approving as to form and content the proposed Notice of PAGA Settlement ("PAGA
23 Notice"), which provides individuals within the scope of the PAGA Settlement
24 information regarding the settlement;
- 25 8. Approving the proposed procedures to notify, and deliver payment to, the individuals
26 within the PAGA Settlement by first class mail;
- 27 9. Directing Defendants to collect Similarly Situated Employees' contact information for
28 purposes of administering the settlement proceeds;

- 1 10. Directing that any residue from settlement checks that were not cashed within 90 days of
2 issuance be paid to the California Department of Unclaimed Property;
3 11. Dismissing the PAGA claims with prejudice; and
4 12. Approving and adopting the Proposed Order, which is filed herewith and incorporated by
5 reference.

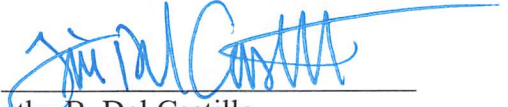
6 This motion is being made pursuant to California Labor Code section 2699(1)(2), on the grounds
7 that the proposed PAGA Settlement is fair, reasonable, and adequate and furthers the purpose behind the
8 asserted California Labor Code statutes in deterring non-compliance. As a result, the PAGA Settlement
9 should be approved by the Court. This motion will be based on the notice of motion, memorandum of
10 points and authorities, the Declaration of Timothy B. Del Castillo, Declaration of Junior Garcia,
11 exhibits, the record and files of this case, and any further oral or documentary evidence introduced at the
12 hearing of this motion.

13 NOTICE REGARDING TENTATIVE RULINGS:

14 *Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter by*
15 *2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the*
16 *department may be downloaded off the court's website. If the party does not have online access, they*
17 *may call the dedicated phone number for the department as referenced in the local telephone*
18 *directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and*
19 *receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court*
20 *day before the hearing, no hearing will be held.*

21 Dated: January 28, 2021

Castle Law: California Employment Counsel, PC

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23 By: 
24 Timothy B. Del Castillo
25 Kent L. Bradbury
26 Attorneys for Plaintiff
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