

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

4/3/2025 3:55:44 PM

Clerk of the Superior Court
By M. Guyot ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

TIFFANY NEWBY, individually and on behalf
of all similarly situated employees of
Defendants in the State of California,

Plaintiff,

v.

COMMUNITY RESEARCH FOUNDATION,
INC.; and DOES 1 THROUGH 50, inclusive,

Defendants.

Case No.: 37-2020-00045600-CU-OE-CTL

**AMENDED [~~PROPOSED~~] ORDER
GRANTING PLAINTIFFS' UNOPPOSED
MOTION FOR APPROVAL OF PAGA
ACTION SETTLEMENT**

Date: March 28, 2025

Time: 10:30 a.m.

Judge: Hon. Carolyn Caietti

Dept.: C-70

Complaint Filed: December 11, 2020

First Amended Complaint Filed: February 1, 2021

DANIELLE MCGUIRE, as an individual, on
behalf of herself, and all persons similarly
situated,

Plaintiff,

v.

COMMUNITY RESEARCH FOUNDATION,
INC.; and DOES 1 THROUGH 50, inclusive,

Defendant.

Case No.: 37-2022-00029009-CU-OE-CTL

Judge: Hon. Carolyn Caietti

Dept.: C-70

1 Plaintiffs Tiffany Newby and Danielle McGuire (“Plaintiffs”) Unopposed Motion for Approval of
2 PAGA Action Settlement came before this Court on March 28, 2025 at 10:30 a.m. in Department C-70 of
3 the Superior Court for the County of San Diego, located at 330 W Broadway San Diego, CA 92101. The
4 Court, having reviewed and considered the Private Attorneys General Act Settlement Agreement and
5 Release (“Settlement Agreement”), Plaintiffs’ Motion for Approval of PAGA Action Settlement, all
6 papers filed in support thereof, and the oral argument presented, HEREBY ORDERS, ADJUDGES, AND
7 DECREES THE FOLLOWING:

8 1. In accordance with California Labor Code § 2699(1)(2), the Court has reviewed the
9 Agreement. The Court APPROVES the Settlement as set forth in the Agreement and the Gross Settlement
10 Amount of \$1,276,674.00 and finds that the allocation of civil penalties for the claims under PAGA is
11 fair, reasonable, and appropriate.

12 2. The LWDA was provided with notice of the Settlement on March 3, 2025 and no objection
13 has been received to the Settlement from the LWDA.

14 3. The Settlement covers Plaintiff and all “Aggrieved Employees,” defined as “all current and
15 former non-exempt employees of Defendant who worked for Defendant in California during the PAGA
16 Period.” The PAGA Period is defined as the period from October 7, 2019, to December 31, 2024.

17 4. The Court ORDERS that PAGA Counsel’s Fees Payment, PAGA Litigation Expenses
18 Payment, Plaintiffs’ Enhancement Awards, and Administration Expenses Payment be deducted from the
19 Gross Settlement Amount, in accordance with the terms of the Settlement Agreement. The amounts,
20 respectively, to be deducted from the Gross Settlement Amount are as follows:

- 21 a. **PAGA Counsel’s fees:** \$425,558.00;
22 b. **PAGA Litigation Expenses:** \$17,924.50;
23 c. **Plaintiffs’ Enhancement Award:** \$10,000.00 (\$5,000.00 for each plaintiff);
24 d. **Apex Administration Expenses:** \$10,000.00;

25 5. The Court finds that the PAGA Penalties totaling **\$813,191.50** after deduction of PAGA
26 Counsel’s Fees Payment, PAGA Litigation Expenses Payment, Plaintiffs’ Enhancement Awards, and
27 Administration Expenses Payment, are adequate, fair and reasonable.

28 6. The Court ORDERS the \$813,191.50 PAGA Penalties be divided 75% or \$609,893.63 to

1 the LWDA as the LWDA PAGA Payment, and 25% or \$203,297.88 be paid to the Aggrieved Employees,
2 in the manner outlined in the Settlement Agreement.

3 7. Plaintiff is ORDERED to submit this Order and Judgment to the LWDA within 10 calendar
4 days of entry of this Order and Judgment.

5 8. APEX Class Action shall be appointed as settlement administrator and shall administer the
6 settlement in accordance with the Settlement Agreement and this Order and Judgment.

7 9. The Court finds that the costs of the administration of the settlement are reasonable. The
8 Court awards and therefore ORDERS that the Settlement Administrator issue to Apex Class Action
9 administration costs in the amount of \$10,000.00 for services performed and the costs incurred in
10 connection with administration of the Settlement within the timeframe prescribed by the Settlement
11 Agreement.

12 10. The Court finds that PAGA Counsel's request for attorneys' fees in the amount of
13 \$425,558.00, or 1/3 of the Gross Settlement Amount, falls within the range of reasonableness and the
14 result achieved justifies the award sought. The Court awards and therefore ORDERS that the Settlement
15 Administrator issue attorneys' fees in the amount of \$425,558.00 to GrahamHollis APC within the
16 timeframe prescribed by the Settlement Agreement.

17 11. The Court also finds that PAGA Counsel's request for actual litigation costs incurred in
18 the amount of \$17,924.50 falls within the range of reasonableness and the result achieved justifies the
19 award sought. The Court awards and thus ORDERS that the Settlement Administrator issue payment for
20 litigation costs incurred in the amount of \$17,924.50 to GrahamHollis APC within the timeframe
21 prescribed by the Settlement Agreement.

22 12. The Court approves the payment of an Enhancement Award to Plaintiffs, which shall not
23 exceed \$5,000.00 for each Plaintiff (\$10,000.00 in total), for their services to the LWDA and Aggrieved
24 Employees in bringing this Action.

25 13. As of the Effective Date, all Aggrieved Employees and PAGA Counsel will release all
26 claims for Civil Penalties pursuant to Labor Code section 2698 *et seq.* that were, or reasonably could have
27 been, alleged based on the facts contained in the Operative Complaint and the PAGA Notice, including
28 claims for PAGA penalties arising out of or based on: (1) Failure to provide legally compliant meal

1 periods, or premium pay in lieu thereof; (2) Failure to provide legally compliant rest periods, or premium
2 pay in lieu thereof; (3) Failure to pay minimum and regular time wages for all hours worked; (4) Failure
3 to pay all overtime wages, (5) Failure to indemnify business expenses; (6) Failure to maintain accurate
4 records; (7) Failure to furnish accurate itemized wage statements; (8) Failure to timely pay all wages due
5 upon separation of employment; and (9) Failure to timely pay all wages earned and due during
6 employment in violation of the Labor Code.

7 14. The Released PAGA Claims shall cover the period of October 7, 2019, to December 31,
8 2024. Upon the Effective Date, Plaintiff and the Aggrieved Employees will be forever barred from
9 pursuing the Released PAGA Claims against the Released Parties.

10 15. Final Judgment in this Action is entered in conformity herewith, along with the Settlement
11 Agreement.

12 **IT IS SO ORDERED, ADJUDGED, AND DECREED. FINAL JUDGMENT IS HEREBY**
13 **ENTERED.**

14
15 Dated: 4/3/25



Hon. Carolyn Caietti
JUDGE OF THE SUPERIOR COURT

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12 Attorneys for Plaintiffs Tiffany Newby, Danielle McGuire,
13 and aggrieved employees

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I, Andrea Gorriño, declare at the time of service I was over 18 years old and not a party to the action. I am employed in San Diego County, California. My business address is 3555 Fifth Avenue, Suite 200, San Diego, California 92103. On March 28, 2025, I served the following document(s):

- **AMENDED [PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR APPROVAL OF PAGA ACTION SETTLEMENT**

Upon:

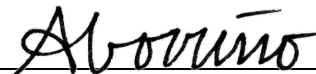
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☒ (BY ELECTRONIC TRANSMISSION) I caused service of such document(s) by emailing the document(s) to the person(s) at the email address(es) listed above based on a Court order, statute, local rule, or an agreement of the parties to accept service of such document(s) by email. No electronic message or other indication that the transmission was unsuccessful was received by the serving party within a reasonable time after the transmission.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 28, 2025 in San Diego, California.



Andrea Gorriño