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FILED
Superior Court of California
County of Los Angeles**10/21/2022**

Sherri R. Carter, Executive Officer / Clerk of Court

By: K. Lappin DeputyAttorneys for Plaintiff SHIMON BROSHINSKY, Other
Aggrieved Employees, and the General Public**SUPERIOR COURT FOR THE STATE OF CALIFORNIA****COUNTY OF LOS ANGELES**SHIMON BROSHINSKY, an individual on
behalf of himself, all other aggrieved employees,
and the general public,

Plaintiffs,

vs.

FIRST MOTOR GROUP OF ENCINO, LLC, a
Delaware limited liability company, FIRST
MOTOR GROUP OF LOS ANGELES, a
California limited liability company, ENCINO
MOTORCARS, LLC, a California limited
liability company, and TROPHY
AUTOMOTIVE DEALER GROUP, LLC, a
Delaware limited liability company, and DOES 1
through 25, inclusive,

Defendants.

Case No. 20STCV38668

~~[PROPOSED]~~ FINAL JUDGMENT

1 The Court, having received and considered Plaintiffs' Notice of Motion and Motion for
2 Approval of Private Attorneys General Act Settlement Agreement and Award of Attorneys' Fees
3 and Costs, Incentive Payments, and Administrator Costs and the underlying Settlement Agreement,
4 has entered the Order Granting Approval of Private Attorneys General Act Settlement Agreement
5 between Plaintiff Shimon Broshinsky ("Plaintiff"), as proxy to the State of California, and
6 Defendants First Motor Group of Encino, LLC, and Trophy Automotive Dealer Group, LLC
7 (Collectively "Defendants") (Plaintiff and Defendants together referred to as "Parties").

8 The PAGA Aggrieved Employees covered under the Settlement consist of the following
9 individuals:

10 All persons employed by the Defendant First Motor Group of Encino, LLC within the state of
11 California, who are paid, in whole, or in part, on a commission basis at any time within the PAGA
12 Period ("PAGA Group".)

13 Defendant shall be entitled to the following release from each and every Aggrieved
14 Employee, including Plaintiff, during the PAGA Period, defined as the time period from August
15 29, 2017, to October 25, 2021:

16 "any and all claims and causes of action under the California Private Attorneys' General
17 Act of 2004 Cal. Lab. Code § 2698 (PAGA) against Defendants, named defendants FMGLA
18 and Encino, Defendants' parents, owners, subsidiaries, affiliates, their insurers, attorneys,
19 and all agents thereof ("Released Parties"), arising out of the facts and claims asserted in
20 Named Plaintiff's PAGA Notice and in the Complaint in the Litigation for civil penalties
21 under PAGA based upon any of Named Plaintiff's allegations or claims, under any legal
22 theory of liability, including claims that Defendants failed to pay all wages owed (including
23 minimum wage, overtime, and double time), failed to provide meal periods and rest periods,
24 failed to provide accurate, itemized wage statements, failed to pay wages upon termination,
25 or any other violation under Labor Code sections 201, 202, 203, 204, 210, 216, 221, 223,
26 225.5, 226, 226.3, 226.7, 510, 511, 512, 551, 552, 553, 558, 1174, 1174.5, 1182.1-1182.3,
27 1194-1197.1, 1198, 2802 and 2698, *et seq.*, and all applicable Wage Orders ("Released
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1 Claims”). This release extends only to the penalties available through PAGA and does not
2 release individual claims.”

3 Having duly considered the Parties’ papers and oral argument, and good cause appearing

4 **NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:**

5 The Court having entered an Order Granting Approval of Private Attorneys General Act
6 Settlement Agreement hereby enters FINAL ORDER OF JUDGMENT in favor of Plaintiff, the
7 State of California and Aggrieved Employees in the amount of Two Hundred Fifty Thousand
8 Dollars and Zero Cents (\$250,000.00)

9 The judgment shall bind each PAGA Group Member and the State of California to the
10 Settlement and shall operate as a full release and discharge of the Released Claims against the
11 Released Parties, as set forth in the Settlement Agreement. All rights to appeal the judgment have
12 been waived. The judgment and this Order shall have *res judicata* effect. Plaintiff further expressly
13 waives and relinquishes all rights and benefits of section 1542 of the Civil Code of the State of
14 California and does so understanding and acknowledging the significance and consequence of
15 specifically waiving section 1542.

16 The Court has considered the Settlement, and the monetary allocations provided thereby,
17 and finds that they are fair, just, reasonable, and adequate. The Court hereby directs the Settlement
18 Administrator to administer the Settlement and to make the payments as provided by, and consistent
19 with, this Order, the Settlement Agreement, and Order Granting Approval of Private Attorneys
20 General Act Settlement Agreement.

21 Without affecting the finality of this Judgment, the Court shall retain continuing jurisdiction
22 over this action and the parties, including all Aggrieved Employees and over all matters pertaining
23 to the implementation and enforcement of the terms of the Settlement. Except as provided to the
24 contrary herein, any disputes or controversies arising with respect to interpretation, enforcement or
25 implementation of the Settlement shall be presented by motion to the Court for resolution.

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1 This Judgment is intended to be a final disposition of the above-captioned action in its
2 entirety and is intended to be immediately appealable. Subject to the Court's continuing jurisdiction
3 as set forth above, the Court directs the Clerk of the Court to enter Judgment.

4 **IT IS SO ORDERED.**

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6 **DATED:** October 21, 2022



Hon. Monica Bachner
Judge of the Superior Court

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 550 North Brand Boulevard, 15th Floor, Glendale, California 91203. On October 21, 2022, I served, in the manner indicated below, the foregoing document described as:

FINAL JUDGEMENT

for the following case: Broshinsky v. First Motor Group of Encino, LLC
LWDA/Court Case Number: LWDA-CM-799773-20
20STCV38668
Los Angeles Superior Court

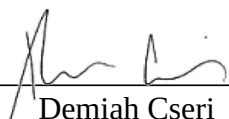
on the interested parties in this action as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

 X **BY ELECTRIC SUBMISSION:**
Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

 X **STATE**
I declare under perjury under the laws of the State of California that the above is true and correct.

Executed on October 21, 2022 at Glendale, California.



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