

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

JOANN TORRES, on behalf of herself and all
“aggrieved employees” pursuant to Labor Code
§ 2698 *et seq.*,

Plaintiffs,

v.

FRICK PAPER COMPANY LLC, a California
limited liability company, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: 30-2020-01161120-CU-OE-CXC

*Assigned to the Honorable Randall J. Sherman,
Dept. CX105*

**[PROPOSED] ORDER GRANTING
APPROVAL OF PAGA SETTLEMENT
AND ENTERING JUDGMENT**

Date: July 16, 2021

Time: 10:00 a.m.

Dept.: CX105

RESERVATION NO.: 73529716

Complaint Filed: September 18, 2020

1
2 **[PROPOSED] ORDER AND JUDGMENT**

3 This matter came on for hearing on July 16, 2021 at 10:00 a.m. in Dept. CX105 of the
4 above-captioned Court on plaintiff Joann Torres' ("Torres" or "Plaintiff") unopposed motion for
5 approval of a settlement agreement pursuant to the California Labor Code Private Attorneys
6 General Act ("PAGA") (the "Settlement").

7 Having received and considered the Settlement Agreement, the supporting and
8 supplemental papers filed by Plaintiff, and the evidence and argument received by the Court, the
9 Court grants approval of the Settlement and **HEREBY ORDERS AND MAKES THE**
10 **FOLLOWING DETERMINATIONS:**

11 1. Except as otherwise defined in this Order and Judgment ("Order"), all capitalized
12 terms have the same meaning as defined in the Settlement Agreement that is attached as **Exhibit 1**
13 to this Order.

14 2. The Settlement and Motion for Approval were submitted to the California Labor
15 Workforce and Development Agency ("LWDA") in accordance with PAGA, California Labor
16 Code § 2699(l)(2), (l)(4). In particular, on the date Plaintiff filed her motion seeking approval of
17 the Settlement with the Court, she submitted a copy of the Settlement Agreement and the Motion
18 for Approval to the LWDA, via electronic submission, in compliance with the requirements of
19 PAGA.

20 3. The Court has jurisdiction over the subject matter of this litigation, over all
21 Aggrieved Employees, and over those persons undertaking affirmative obligations under the
22 Settlement.

23 4. The Settlement is approved under Labor Code § 2699(l)(2).

24 5. The Notice of Settlement of Private Attorneys General Act Claim (Cal. Labor
25 Code § 2698 *ET. SEQ.*) , ~~attached as **Exhibit 2** to this Order,~~ submitted on June 30, 2021 fairly
26 and adequately describes the Torres Action, the approved Settlement, and is the best notice
27 practicable under the circumstances.

28 6. The Court finds that each Aggrieved Employee, in accordance with the Settlement,

1 releases all Released Claims against the Released Parties.

2 7. The Settlement Sum, the Net Settlement Amount, and the methodology used to
3 calculate the payments to the LWDA and to the Aggrieved Employees, in accordance with the
4 Settlement, is approved.

5 8. The Court approves ILYM Group, Inc. to act as the Settlement Administrator. The
6 Court awards the Settlement Administrator in this Action its actual fees and costs in accordance
7 with the terms of the Settlement Agreement, not to exceed \$5,000.00.

8 9. The Court approves Gaines & Gaines, APLC as PAGA Counsel.

9 10. The Court awards PAGA Counsel attorneys' fees in the amount of \$116,666.66 and
10 actual litigation costs in the amount of \$10,939.22, both of which the Court finds to be fair and
11 reasonable. The Court authorizes the Settlement Administrator to make these payments, in
12 accordance with the terms of the Settlement Agreement.

13 11. The Court authorizes the Settlement Administrator to calculate the Net Settlement
14 Amount, inclusive of the LWDA Payment and the Employee Net Settlement Amount, in
15 accordance with the terms of the Settlement Agreement.

16 12. The Court finds that the LWDA Payment of \$159,295.59 as its share of the
17 settlement of civil penalties is fair and reasonable. The Court authorizes the Settlement
18 Administrator to pay the LWDA Payment, in accordance with the terms of the Settlement
19 Agreement.

20 13. The Court finds that the Employee Net Settlement Amount of \$53,098.53 as the
21 Aggrieved Employees' share of the settlement of civil penalties is fair and reasonable. The Court
22 authorizes the Settlement Administrator to pay the Employee Net Settlement Amount, in
23 accordance with the terms of the Settlement Agreement.

24 14. The Court approves payment of \$5,000.00 to Torres for her services in bringing a
25 PAGA action on behalf of the Aggrieved Employees and her general release of claims against
26 Defendant. The Court authorizes the Settlement Administrator to pay Torres' general release
27 payment, in accordance with the terms of the Settlement Agreement.

28 15. Settlement checks issued to Aggrieved Employees shall be valid for 180 days after

1 issuance. Funds remaining from any uncashed checks after 180 days will be dispersed to the State
2 Controller's Unclaimed Property fund in the name(s) of the employee(s) who did not cash their
3 checks, in accordance with the terms of the Settlement Agreement.

4 16. Upon completion of the Settlement, the Settlement Administrator will provide
5 written certification of the completion to the Court and counsel for the Parties, which shall be filed
6 with the Court on or before March 30, 2022.

7 17. Without affecting the finality of this order and entry of judgment, the Court retains
8 exclusive and continuing jurisdiction over the Torres Action for purposes of supervising,
9 administering, implementing, and enforcing this Order and the Settlement.

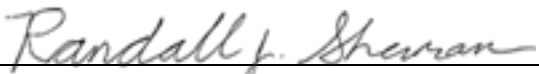
10 18. Nothing in this Order or the Settlement shall be construed as an admission or
11 concession by any party. The Settlement and this resulting Order and entry of judgment simply
12 represent a compromise of disputed allegations.

13 19. The Court enters final judgment in accordance with the terms of the Settlement
14 Agreement and this Order.

15 20. Plaintiff is directed to submit a copy of this Order and entry of judgment to the
16 LWDA within 10 days of the date of this Order and entry of judgment.

17 **IT IS SO ORDERED:**

18 DATED: July 16, 2021


Honorable Randall J. Sherman _
Judge of the Superior Court