

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Case No. 20CV01868

**[PROPOSED] ORDER AND JUDGMENT
GRANTING MOTION FOR APPROVAL
OF PAGA SETTLEMENT, AND ORDER
OF DISMISSAL**

Date: January 5, 2022
Time: 8:30 a.m.
Dept.: 10

[Assigned for all purposes to
The Honorable Paul Marigonda, Dept. 10]

Action Filed: September 8, 2020
Trial Date: None

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3

8

10

12

15

19

25

provided the Court with sufficient information about the nature and magnitude of the claims being settled, as well as the impediments to recovery, to make an independent assessment of the reasonableness of the terms to which the Parties have agreed.

8. The Settlement is not an admission by Defendant, nor is this Order and Judgment a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission, concession, or liability whatsoever by or against Defendant.

9. The Court approves the Gross Settlement Amount of \$215,000, which is inclusive of settlement of claims under PAGA alleged in the Action, attorney's fees, litigation costs, and settlement administration costs. The Gross Settlement Amount shall be distributed as follows:

- a. \$86,000 will be paid to Plaintiff's counsel as reasonable attorney's fees and \$10,022.17 shall be paid to Plaintiff's counsel for their litigation costs, as provided in the Agreement:
- b. \$6,435.00 will be paid to ILYM Group, Inc., as settlement administration costs, as provided in the Agreement
- c. The remaining \$112,542.83 of the Gross Settlement Amount after deduction of the payments under 1(a)-(b), shall be the PAGA Penalties Fund as consideration for the release of the Released Claims against the Released Parties during the Settlement Period by Plaintiff, the LWDA, the State of California and the Aggrieved Employees. The PAGA Penalties fund will be distributed as follows:
 1. 75%, or \$84,407.12, shall be paid to the LWDA;
 2. 25%, or \$28,135.71, shall be paid to the "Aggrieved Employees," distributed to each of them as Individual PAGA Payments, and such distribution shall be a pro rata basis based on each Aggrieved Employee's total pay periods worked during the period July 2, 2019, through the date of

1 this Order.

2 10. The Court appoints ILYM Group, Inc. to serve as the Settlement Administrator.

3 11. This Judgment shall be binding on all Aggrieved Employees and the State of
4 California, who are hereby barred by the doctrine of *res judicata* from re-litigating the Released
5 Claims against the Released Parties for the Settled Period.

6 12. The Court shall retain jurisdiction over this matter until the final payment is made
7 and all obligations in the Agreement are satisfied pursuant to Code of Civil Procedure section
8 664.6. Any disputes or controversies arising with or with respect to the interpretation, enforcement,
9 or implementation of the Agreement shall be presented to the Court for resolution.

10 13. Notice of this Order and Judgment shall be given to the LWDA by submission
11 through the online system established for the filing of notices and documents, in conformity with
12 California Labor Code section 2699(1)(3).

13
14 IT IS SO ORDERED.

15
16 DATE: _____

17 Hon. Paul Marigonda
18 Judge of the Superior Court
19
20
21
22
23
24
25
26
27
28