

1 NATHAN N. KASED (STATE BAR NO. 251400)

2 Email: nathan@kasedlegal.com

3 Janine R. Menhennet (State Bar No. 163501)

4 Email: janine@kasedlegal.com

5 **KASED LAW GROUP APC**

6 2535 KETTNER BOULEVARD, SUITE 2A2

7 SAN DIEGO, CALIFORNIA 92101

8 PHONE: 619.333.6373

9 FAX: 619.399.3040

10 Attorneys for Plaintiff

11 THIEU DINH

12 and Aggrieved Employees

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF SAN DIEGO

15 THIEU DINH (a.k.a. "TONY" DINH), an
16 Individual, on behalf of himself and all other
17 aggrieved employees of Defendants in the
18 State of California,

19 Plaintiff,

20 vs.

21 CAO-CAO NAIL 2000 OF UTC, LLC;
22 DUNG KIM CAO, an Individual; and DOES
23 1-10, Inclusive,

24 Defendants.

Case No. 37-2020-00017596-CU-OE-CTL

UNLIMITED CIVIL CASE

UNOPPOSED MOTION

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
APPROVAL OF SETTLEMENT OF
CIVIL ACTION AND NEGOTIATED
PENALTIES PURSUANT TO THE
PRIVATE ATTORNEYS' GENERAL
ACT OF 2004**

DATE: OCTOBER 1, 2021

TIME: 10:30 A.M.

DEPT: C-70

HON. CAROLYN CAIETTI

RESERVATION NUMBER: 2376352

25 TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that on October 1, 2021, at 10:30 a.m., in Department C-70 of
27 the above-entitled Court, located at 330 West Broadway, San Diego, California, 92101, the

1 unopposed motion of plaintiff Thieu Dinh for an order approving a settlement of civil penalties
2 negotiated under the Private Attorneys' General Act, Labor Code § 2698, *et seq.* ("PAGA"), and
3 dismissing this action, came on regularly for hearing.

4 After consideration of the moving papers and related filings, including the notice to
5 aggrieved employees, the Court hereby GRANTS Plaintiff's motion.

6 IT IS HEREBY ORDERED:

7 1. The motion to approve the penalties allocated to PAGA as described is granted.
8 \$100,000 in penalties is reasonable and fair.

9 2. \$75,000 of the PAGA penalties are payable to the California Labor and Workforce
10 Development Agency ("LWDA").

11 3. \$25,000 of the PAGA penalties are payable to the aggrieved employees, defined in
12 the Settlement Agreement attached as Exhibit 1 to the Declaration of Janine R. Menhennet filed
13 with the moving papers.

14 4. The plan of allocation is approved. Each aggrieved employee will evenly split the
15 \$25,000.

16 5. The form of notice provided by plaintiff and attached as Exhibit 2 to the
17 Declaration of Janine R. Menhennet is approved.

18 6. Phoenix Settlement Administrators will prepare the Notice for mailing to the
19 aggrieved employees, and will include the check for penalties with the Notice.

20 7. In the event an aggrieved employee cannot be located after skip tracing and a
21 search of the Change of Address Database, the unclaimed funds will be remitted to the
22 Department of Industrial Relations Unclaimed Wages Fund.

23 8. This case is hereby dismissed with prejudice.

24 IT IS SO ORDERED.

25
26 Dated: _____

27 JUDGE OF THE SUPERIOR COURT

28 -2-

[PROPOSED] ORDER GRANTING APPROVAL OF
PLAINTIFF'S MOTION FOR APPROVAL OF SETTLEMENT OF
CIVIL ACTION AND NEGOTIATED PENALTIES PURSUANT
TO THE PRIVATE ATTORNEYS' GENERAL ACT OF 2004