

Electronically Received 01/09/2023 03:06 PM

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FILED
Superior Court of California
County of Los Angeles
01/11/2023

David W. Slayton, Executive Officer / Clerk of Court

By: A. Morales Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

KADAY ALLEN, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

KUMQUAT HOLDINGS, LLC, a
Delaware limited liability company doing
business as PRIMROSE POST-ACUTE;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 20STCV33311

[Assigned for all purposes to the Hon. Lawrence P.
Riff, Department 7]

**[SECOND AMENDED ~~PROPOSED~~] ORDER
GRANTING PLAINTIFF'S MOTION TO
APPROVE SETTLEMENT AGREEMENT
PURSUANT TO THE PRIVATE ATTORNEY
GENERAL ACT AND JUDGMENT**

Date: January 4, 2023
Time: 9:00 a.m.
Dept.: 7

PROPOSED ORDER

Plaintiff Kaday Allen (“Plaintiff”) Motion for an Order to Approve Settlement Agreement Pursuant to the Private Attorneys General Act, Labor Code § 2698 *et seq.* came on regularly for hearing. Appearing at the hearing were Max W. Gavron of Diversity Law Group and Grace Horoupian of Fisher Phillips LLP for Defendant Kumquat Holdings, LLC (“Defendant”) (Plaintiff and Defendant collectively, the “Parties”).

The Court has considered the Settlement Agreement and all other papers filed in this action.

NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Plaintiff’s Motion to Approve Settlement Agreement Pursuant to the Private Attorneys General Act, Labor Code § 2698 *et seq.* is granted. The Court finds that the Settlement is fundamentally fair, reasonable, and adequate, and consistent with the purpose of PAGA; that Plaintiff has fairly and adequately protected the interests of the members of the PAGA Representative Group; and that Plaintiff’s Counsel are qualified to serve as counsel for the Plaintiff in her individual and representative capacity and for the aggrieved employees.

2. The Parties are hereby ordered to carry out the terms of the Settlement Agreement. Defendant is hereby ordered to: (1) deposit the first installment of \$72,500.00 no later than February 4, 2023; and (2) deposit the second payment of \$72,500.00 on or before March 6, 2023.

3. Pursuant to Labor Code § 2699(i) and within thirty (30) calendars of receiving the second payment of the Gross Settlement Amount, the Settlement Administrator shall distribute the Gross Settlement Amount, as follows:

- \$48,333.33 to Plaintiff’s counsel as Attorneys’ Fees;
- \$10,969.70 to Plaintiff’s counsel as Costs;
- \$5,500.00 to the Settlement Administrator;
- \$5,000.00 to Plaintiff as the enhancement award;
- The remainder, or the PAGA Penalty Fund, after the above deductions shall be distributed 75% (\$56,397.73) to the Labor Workforce Development Agency and 25% (\$18,799.24) to the Aggrieved Employees based on the formula set forth in the Settlement Agreement.

1 4. The Court hereby grants approval of the Settlement in accordance with the terms
2 of the Settlement and this Order. Without affecting the finality of the Settlement or Judgment
3 entered thereon, this Court shall retain exclusive and continuing jurisdiction over the action and
4 the Parties, including all aggrieved employees, for purposes of enforcing and interpreting this
5 Order and the Settlement.

6
7 IT IS SO ORDERED, ADJUDGED, AND DECREED.



A handwritten signature in black ink, appearing to read "Lawrence P. Riff", is written over a horizontal line.

Lawrence P. Riff/Judge

8 DATED: 01/11/2023
9 _____

Honorable Lawrence P. Riff
Judge of the Superior Court of California

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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On January 9, 2023, I served the following document(s) described as: **[SECOND AMENDED PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE SETTLEMENT AGREEMENT PURSUANT TO THE PRIVATE ATTORNEY GENERAL ACT AND JUDGMENT** on the interested parties in this action as follows:

Grace Y. Horoupian
Ashton Riley
Fisher & Phillips LLP
2050 Main Street, Suite 1000
Irvine, California 92614

*Attorneys for Defendant Kumquat Holdings,
LLC*

ghoroupian@fisherphillips.com
ariley@fisherphillips.com

 X BY ELECTRONIC SERVICE VIA CASE ANYWHERE: Based on a court order I caused the above-entitled document(s) to be served through Case Anywhere at the website www.caseanywhere.com, addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the Case Anywhere Filing Receipt/Confirmation will be filed, deposited, or maintained with the original document(s) in this office.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 9, 2023, at Los Angeles, California.



Erika Mejia