

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

PENNY BREWER, Individually and on
behalf of all similarly-situated employees of
Defendants in the State of California,

Plaintiffs,

v.

PYRAMID ENTERPRISES, INC.; and
Does 1 through 50, inclusive,

Defendants.

Case No.: 37-2020-00028336-CU-OE-CTL

Unlimited Civil - Amount Demanded
Exceeds \$25,000.00

IMAGED FILE

**~~[PROPOSED ORDER]~~ RE JOINT
STIPULATION RE DISMISSAL OF CLASS
ACTION ALLEGATIONS WITHOUT
PREJUDICE, INDIVIDUAL CLAIMS WITH
PREJUDICE, AND COURT APPROVAL OF
PAGA SETTLEMENT**

Dept: C-67
Judge: Hon. Eddie C. Sturgeon

The Court considered Plaintiff Penny Brewer (“Plaintiff”) and Defendant Pyramid Enterprises, Inc.’s (“Defendant” or “Pyramid”) (“Plaintiff” and “Defendant” are collectively referred to hereinafter as “Parties”) Joint Stipulation for a Court Order dismissing Plaintiff’s individual claims with prejudice; dismissing Plaintiff’s class claims alleged on behalf of all similarly-situated employees of Defendant in the State of California without prejudice, and approving PAGA Settlement (“Agreement”), the

1 submissions of counsel, and all other papers filed in this action. The matter having been submitted and
2 good cause appearing therefore, the COURT HEREBY ORDERS:

- 3 1. Plaintiff Penny Brewer's individual claims alleged in the operative complaint are dismissed with
4 prejudice;
- 5 2. Plaintiff's class claims alleged in her operative complaint are dismissed without prejudice;
- 6 3. The PAGA Settlement Agreement attached hereto as Exhibit 1 is APPROVED as fair, adequate
7 and reasonable and is entered as an Order of the Court.
- 8 4. The amounts payable to PAGA Group Members as set forth in the PAGA Settlement Agreement
9 are APPROVED as fair, adequate and reasonable and the Parties are Ordered to carry out the
10 Notice and payment procedures as set forth in the PAGA Settlement Agreement.
- 11 5. The amounts payable to the LWDA as set forth in the PAGA Settlement Agreement are
12 APPROVED as fair, adequate and reasonable and the Parties are Ordered to carry out payment to
13 the LWDA as set forth in the PAGA Settlement Agreement.
- 14 6. The Notice of PAGA Claims Settlement proposed by the Parties and attached the PAGA
15 Settlement Agreement as Exhibit 1 is APPROVED for the distribution to the PAGA members.
- 16 7. The amounts requested as payable to Plaintiff's counsel for attorney's fees and reimbursement of
17 litigation costs as set forth in the PAGA Settlement Agreement are APPROVED as fair, adequate
18 and reasonable. Plaintiff's counsel shall be entitled to the payment of 33 1/3% of the Maximum
19 Settlement Amount as set forth in the PAGA Settlement Agreement which will be paid to a
20 Qualified Settlement Fund as defined under Section 468B of the Internal Revenue Code. Counsel
21 may choose to receive attorney fees in periodic payments via a structured settlement. The Court
22 authorizes the class administrator to execute documents and take such actions as may be
23 necessary to effectuate any such structured settlement, at Plaintiff's Counsel's expense.
- 24 8. The amounts payable for claims administration are APPROVED as fair, adequate and reasonable
25 and the Parties are Ordered to carry out the payment procedure to the Claims Administrator as
26 set forth in the PAGA Settlement Agreement.

9. The amount of the PAGA Representative Enhancement payable to the named Plaintiff Penny Brewer as set forth in the PAGA Settlement Agreement is APPROVED.

10. All scheduling entries in this matter are vacated.

11. The Court shall retain jurisdiction over this matter until advised that full and final performance of all terms and conditions of the Stipulation have been satisfied.

IT SO ORDERED.

Dated: 8/4, 2021



Hon. Eddie C. Sturgeon
Judge of the California Superior Court

1 **PROOF OF SERVICE**

2 **Penny Brewer, et al. v. Pyramid Enterprises, Inc., et al.**
3 Los Angeles Superior Court Case No. 37-2020-00028336-CU-OE-CTL

4 I am employed in the County of Los Angeles, State of California; I am over the age of 18
5 years and not a party to the within action; my business address is 25350 Magic Mountain Pkwy,
Suite 250, Santa Clarita, CA 91355. My electronic service address is: nlyons@pooleshaffery.com.

6 On **August 2, 2021**, I served the foregoing document(s) entitled: **[PROPOSED ORDER]**
7 **RE JOINT STIPULATION RE DISMISSAL OF CLASS ACTION ALLEGATIONS**
8 **WITHOUT PREJUDICE, INDIVIDUAL CLAIMS WITH PREJUDICE, AND COURT**
9 **APPROVAL OF PAGA SETTLEMENT** on the interested party(ies) in said action as indicated
10 in the attached service list as follows:

11 ☐ By Mail [Federal]: I served a true copy of the above referenced document(s) by enclosing
12 said document(s) in a sealed envelope or package addressed to the party(ies) listed in the attached
13 service list and placing such envelope or package with postage thereon fully prepaid in the United
14 States mail at Los Angeles, California.

15 ☐ By Mail [State]: I am readily familiar with Poole Shaffery & Koegle, LLP's practice for the
16 collection and processing of mail with the United States Postal Service. I enclosed the above
17 referenced document(s) in a sealed envelope or package addressed to the party(ies) listed in the
18 attached service list. Such envelope will be deposited with the United States Postal Service on the
19 above date in the ordinary course of business at the business address shown above; and such
20 envelope was placed for collection and mailing on the above date according to Poole Shaffery &
Koegle, LLP's ordinary business practices.

21 ☒ By Electronic Service: I am readily familiar with the Poole Shaffery & Koegle, LLP's
22 practice for filing electronically. The above referenced document(s) will be (electronically) filed as
of the same day in the ordinary course of business following ordinary business practices. I caused
said document(s) to be transmitted by email to each party(ies) listed in the attached service list on
this date. The transmission of said document(s) was complete and without error.

23 ☐ By Overnight Mail: I enclosed the above referenced document(s) in a sealed envelope or
24 package addressed to the party(ies) listed in the attached service list and caused such envelope or
package to be delivered via overnight delivery.

25 ☐ By Facsimile Transmission: I caused the above referenced document(s) to be transmitted to
26 a facsimile machine maintained by the party(ies) listed in the attached service list at the facsimile
27 machine telephone number as last given by that party(ies).

28 Executed on **August 2, 2021**, at Santa Clarita, California.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

☐ [Federal] I declare that I am employed in the office of a member of the bar of this Court at
whose direction this service was made.



Nicole Lyons, Declarant

SERVICE LIST

Penny Brewer, et al. v. Pyramid Enterprises, Inc., et al.
Los Angeles Superior Court Case No. 37-2020-00028336-CU-OE-CTL

Brian R. Short, Esq.
Brian@ShortLegal.com
Dorota A. James, Esq.
Dorota@ShortLegal.com
SHORTLEGAL, APC
350 10th Ave., Suite 1000
San Diego, California 92101
T: (619) 272-0720
F: (619) 839-3129
Attorneys for Plaintiff, PENNY BREWER