

Electronically Received 02/14/2022 12:00 AM

FILED
Superior Court of California
County of Los Angeles

02/25/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: R. Duron Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
VAN NUYS COURTHOUSE EAST**

KIM D. GARCIA, individually and as
representative of the State of California on
behalf of herself and all aggrieved employees,

Plaintiff,

v.

GOOD KNIGHT INN, CORPORATION, a
California corporation, DIPANKAR ROY, an
individual, and DOES 1 through 20, inclusive,

Defendants.

Case No. 20VECV00968

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR AN
ORDER (1) APPROVING THE
SETTLEMENT OF PLAINTIFF'S PAGA
CLAIMS AGAINST THE DEFENDANTS
AND (2) DISMISSING THOSE PAGA
CLAIMS WITH PREJUDICE

Judge: The Honorable Valerie Salkin
Department: U
Complaint Filed: August 31, 2020

[Filed Concurrently With (a) Notice of Plaintiff's Motion and Plaintiff's Motion For an
Order: (1) Approving the Settlement of Plaintiff's PAGA Claims Against the Defendants; and
(2) Dismissing Those PAGA Claims With Prejudice, (b) Memorandum of Points and
Authorities in Support of Plaintiff's Motion, and (c) Declaration of Daniel V. Santiago in
Support of Plaintiff's Motion]

1 This representative action under the Private Attorneys' General Act of 2004 ("PAGA"),
2 California Labor Code §2698 et seq., was filed on August 31, 2020, by the Plaintiff, Kim D. Garcia,
3 as representative of the State of California on behalf of herself and the other aggrieved employees
4 of the Defendants, Good Knight Inn, Corporation and Dipankar Roy. As used herein, the term
5 "aggrieved employees" is defined as all California residents who worked for Defendant Good
6 Knight Inn, Corporation as housekeepers and/or janitors at the Good Knight Inn Motel in North
7 Hills, California, at any time within one year preceding the filing of Plaintiff's Complaint in this
8 action up to and through the time of trial for this action. There are four (4) aggrieved employees.
9 The aggrieved employees consist of Plaintiff and three (3) other persons identified as aggrieved
10 employees in Defendant Good Knight Inn, Corporation's Responses to Plaintiff's First Set of
11 Special Interrogatories. Plaintiff has filed a Motion for an Order: (1) approving the settlement of
12 Plaintiff's PAGA claims against the Defendants; and (2) dismissing those PAGA claims with
13 prejudice ("Plaintiff's Motion").

14 ORDER

15 Having considered Plaintiff's Motion and related papers filed by Plaintiff's counsel (Notice
16 of Plaintiff's Motion, Memorandum of Points and Authorities in support of Plaintiff's Motion, and
17 Declaration of Daniel V. Santiago in support of Plaintiff's Motion), and good cause appearing for
18 the relief requested therein,

19 **IT IS HEREBY ORDERED THAT:**

20 1. The Court approves of the settlement of Plaintiff Kim D. Garcia's PAGA claims
21 against the Defendants, Good Knight Inn, Corporation and Dipankar Roy, for Three Thousand
22 Dollars (3,000) to be paid as follows: (a) Two Thousand Two Hundred Fifty Dollars (\$2,250) (i.e.,
23 75% of the PAGA settlement) to the Labor and Workforce Development Agency ("LWDA"); and
24 (b) Seven Hundred Fifty Dollars (\$750) (i.e., 25% of the PAGA settlement) to the Plaintiff and the
25 other three aggrieved employees in an equal percentage or *pro rata* amount of One Hundred Eight
26 Seven Dollars and Fifty Cents (\$187.50).

1 2. The aforementioned settlement payments to the LWDA, Plaintiff and the other
2 aggrieved employees shall be made by Defendants in accordance with the terms of the parties'
3 agreement.

4 3. The settlement checks issued to the aggrieved employees shall remain valid and
5 negotiable for 180 calendar days from the date of their issuance.

6 4. If any mailing of such settlement check is returned as undeliverable, then Plaintiff's
7 counsel will: (a) perform one skip trace on the returned mailing and re-mail the settlement check to
8 an updated address (if any) as soon as possible upon return of the undeliverable mailing; and (b)
9 attempt to notify the aggrieved employee of such settlement check (by phone call, voicemail, text
10 message and e-mail to the fullest extent possible) that such settlement check has been returned as
11 undeliverable and that Plaintiff's counsel is prepared to send such settlement check to the aggrieved
12 employee in accordance with his or her instructions. In that event, Defendant's counsel will assist
13 Plaintiff's counsel with attempting to notify the aggrieved employee in the manner set forth herein
14 by providing Plaintiff's counsel (via e-mail) with the aggrieved employee's last-known cell phone
15 number, email address, home phone number, work phone number, home address, and work address.

16 5. If any such settlement check is uncashed within 180 calendar days from the date of
17 its issuance, then Defendants are required to distribute the funds represented by such settlement
18 check to the Controller of the State of California to be held pursuant to the Unclaimed Property
19 Law, California Civil Code Section 1500 et seq., for the benefit of each aggrieved employee who
20 did not cash such settlement check until such time he or she claims his or her property.
21 Accordingly, the entire amount of the PAGA settlement payable to the aggrieved employees (i.e.,
22 \$750) will be paid out to the aggrieved employees, whether or not they all cash their settlement
23 checks.

24 6. Plaintiff's PAGA claims against the Defendants (as representative of the State of
25 California on behalf of herself and the other aggrieved employees) are hereby dismissed with
26 prejudice.

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

02/25/2022

Dated: _____



Valerie Salkin

Valerie Salkin / Judge

The Honorable Judge Valerie Salkin
Judge of the Los Angeles Superior Court