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FILED
Superior Court of California
County of Los Angeles
06/21/2023

David W. Slayton, Executive Officer / Clerk of Court
By: N. DiGiambattista Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

FRANCISCO GUARDADO, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

MILLENNIUM REINFORCING, INC., a
California corporation; and DOES 1
through 50, inclusive,

Defendant(s).

CASE NO.: 20STCV39672

Assigned for All Purposes to:
Hon. Lia Martin
Dept. 16

**~~[PROPOSED]~~ ORDER AND JUDGMENT
GRANTING PLAINTIFF'S MOTION FOR
APPROVAL OF PRIVATE ATTORNEYS
GENERAL ACT REPRESENTATIVE
ACTION SETTLEMENT**

[Filed concurrently: Declaration of Jodey
Lawrence; Declaration of Francisco Guardado]

Date: June 21, 2023
Time: 9:00 a.m.
Dept.: 16

**~~[PROPOSED]~~ ORDER AND JUDGMENT GRANTING PLAINTIFF'S MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT REPRESENTATIVE ACTION SETTLEMENT**

~~**PROPOSED**~~ ORDER

WHEREAS, the operative Complaint in the captioned lawsuit contains a single claim for relief under the California Labor Code Private Attorneys General Act, codified at Labor Code section 2698, *et seq.* (“PAGA”), based on alleged violations of the California Industrial Welfare Commission (“IWC”) Wage Orders and applicable provisions of the California Code of Regulations, California Code of Civil Procedure section 1021.5, and California Labor Code §§ 201-204, 210, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1198, 2698, *et seq.*, 2800, and 2802, on behalf of all current and/or former hourly-paid or nonexempt employees employed by Defendant Millennium Reinforcing, Inc., in California between September 28, 2019, through July 24, 2022.

WHEREAS, based on the California Supreme Court’s opinions in *Arias v. Superior Court*, 46 Cal. 4th 969 (2009), and *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal. 4th 348 (2014), an aggrieved employee may seek PAGA civil penalties on behalf of the State of California and other similarly situated aggrieved employees without seeking class certification or meeting the requirements of class certification (i.e., numerosity, typicality, commonality and adequacy). As such, the usual two-step preliminary and final approval process is not required.

WHEREAS, in a settlement of a PAGA action brought by an aggrieved employee, the Court must “review and approve” the settlement. Labor Code § 2699(1)(2).

The Court, having considered the proposed Private Attorneys General Act (Cal. Lab. Code § 2698, *et seq.*) Settlement Agreement (“Settlement Agreement”) between Plaintiff Francisco Guardado (“Plaintiff”) and Defendant Millennium Reinforcing, Inc. (“Defendant”) (collectively, the “Parties”), attached to the Declaration of Justin E.D. Daily and incorporated herein, Plaintiff’s Motion for Approval of Private Attorneys General Act Representative Action Settlement, and supplemental declarations filed by Plaintiff, and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The PAGA penalties sought as part of the Settlement Agreement are approved. Plaintiff, by and through his Counsel, has satisfied the standards and applicable requirements for approval of settlement of a claim for penalties brought under PAGA.

2. The Court hereby approves the Gross Settlement Amount of \$263,550.00, which may be increased pursuant to conditions set forth in Section III(B) of the Settlement Agreement.

3. The Court hereby approves Plaintiff's Counsel's attorneys' fees of \$87,850.00, which is one-third (1/3) of the Gross Settlement Amount; Plaintiff's counsel's litigation expenses of \$10,972.69; and the costs of settlement administration of \$6,500.00, which shall be completed by Phoenix Class Action Settlement Solutions ("Settlement Administrator").

4. The Court hereby approves the General Release Fee of \$15,000.00 to Plaintiff.

5. The Net Settlement Amount, after the above authorized deductions from the Gross Settlement, is \$1423,227.31, which is calculated as follows:

Gross Settlement Amount:	\$263,550.00
Attorneys' Fees:	(\$87,850.00)
Attorneys' Costs:	(\$10,972.69)
Settlement Administration:	(\$6,500.00)
General Release Fee:	<u>(\$15,000.00)</u>
Net Settlement Amount:	\$143,227.31

6. If the Gross Settlement Amount increases pursuant to Section III(B) of the Settlement Agreement, all amounts determined based on the Gross Settlement Amount, shall be recalculated and incorporated herein without further order of the Court. The Parties may, however, file a request to modify this order to set forth the revised amounts.

7. Pursuant to Labor Code section 2699(i), the Net Settlement Amount shall be allocated 75% to the California Labor & Workforce Development Agency, and the remaining 25% to the Aggrieved Employees.

8. No later than fourteen (14) calendar days after entry of this order, Defendant shall provide the Settlement Administrator with a list which shall include each Aggrieved Employee's full name, last known mailing address, last known telephone number, start date(s) of employment, end date(s) of employment, total pay periods worked for Defendant in California during the PAGA Period, and Social Security number, to the extent available from Defendant's records.

9. No later than twenty (20) days after entry of this order, Defendant shall deposit with

1 the Settlement Administrator the Gross Settlement Amount.

2 10. Except as provided in the Settlement Agreement and this order awarding Plaintiff's
3 Counsel's attorneys' fees and litigation expenses, the Parties will bear their own attorneys' fees
4 and costs.

5 11. Notwithstanding the matters addressed herein, all other terms and provisions of the
6 Settlement Agreement are hereby ordered to be consummated.

7 ~~12. The Court hereby enters judgment in accordance with the terms of the Settlement~~
8 ~~Agreement.~~ 12. The Court ^{retains} ~~shall retain~~ jurisdiction of all matters relating to the interpretation,
9 administration, implementation, effectuation, and enforcement of the Settlement Agreement
10 pursuant to Code of Civil Procedure section 664.6.

11 **IT IS SO ORDERED.**

12 Dated: 06/21/2023



Lia Martin

Honorable Lia Martin
Judge of the Superior Court
Lia Martin / Judge