

1 **COHELAN KHOURY & SINGER**

Michael D. Singer (SBN 115301)

2 msinger@ckslaw.com

3 Marta Manus (SBN 260132)

mmanus@ckslaw.com

4 605 C Street, Suite 200

San Diego, CA 92101

5 Telephone: (619) 595-3001/Facsimile: (619) 595-3000

6 Attorneys for Plaintiff Emily Ferrer

7 *[Additional Counsel listed on following page]*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN DIEGO**

10 EMILY FERRER, ELIJAH WESTCOTT,
11 MANUEAL BANUELOS MACIAS and on
behalf of themselves and other aggrieved
12 employees,

13 Plaintiffs,

14 v.

15 FITNESS INTERNATIONAL, LLC, a
16 California Limited Liability Company;
and DOES 1 through 100, inclusive,

17 Defendants.
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CASE NO. 37-2020-00044088-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Joel R. Wohlfeil
Department C-73

REPRESENTATIVE ACTION

**[PROPOSED] ORDER GRANTING
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (“PAGA”)
SETTLEMENT**

Date: July 21, 2023
Time: 9:00 a.m.
Dept: C-73
Judge: Honorable Joel R. Wohlfeil
Reservation: 2974855

Complaint filed: December 2, 2020
Trial date: Not set

1 **HAIG B. KAZANDJIAN LAWYERS, APC**

Haig B. Kazandjian (SBN 278622)

2 haig@hbklawyers.com

3 Cathy Gonzalez (SBN 310625)

cathy@hbklawyers.com

4 Melissa Robinson (SBN 336951)

melissa@hbklawyers.com

5 801 North Brand Boulevard, Suite 970

Glendale, CA 91203

6 Telephone: (818) 696-2306/Facsimile: (818) 696-2307

7 Counsel for Plaintiff Elijah Westcott

8 **CAPSTONE LAW APC**

Raul Perez (SBN 174687)

9 Raul.Perez@capstonelawyers.com

Mark A. Ozzello (SBN 116595)

10 Mark.Ozzello@capstonelawyers.com

11 Joseph Hakakian (SBN 323011)

Joseph.Hakakian@capstonelawyers.com

12 1875 Century Park East, Suite 1000

Los Angeles, CA 90067

13 Telephone: (310) 556-4811/Facsimile: (310) 943-0396

14 Counsel for Plaintiff Manuel Banuelos Macias

1 Pursuant to the Motion for an Order Granting Approval of the Private Attorneys
2 General Act (“PAGA”) Settlement submitted by Plaintiffs Emily Ferrer, Elijah Westcott, and
3 Manuel Banuelos Macias (“Motion”), and for good cause appearing, having considered the
4 Motion, all legal authorities and documents submitted in support, the Declarations of PAGA
5 Counsel Michael D. Singer, Haig B. Kazandjian, and Raul Perez, Declarations of Plaintiffs
6 Emily Ferrer, Elijah Westcott, Manuel Banuelos Macias, the Private Attorneys General Act
7 Settlement and Release (“Settlement” or “Agreement”), and good cause appearing, IT IS
8 ORDERED that the Motion is GRANTED, subject to the following orders:

9 a) The Court approves the maximum non-reversionary Gross PAGA Amount of
10 \$334,530.00 by Defendant Fitness International, LLC;

11 b) The Court approves and awards to PAGA Counsel, Cohelan Khoury & Singer;
12 Haig B. Kazandjian Lawyers, APC; and Capstone Law APC, attorneys’ fees of \$131,666.67,
13 and litigation costs of \$21,366.76;

14 c) The Court finds the payment of \$16,250.00 to CPT Group, Inc., the
15 Administrator, for expenses incurred and to be incurred, is fair and reasonable, and orders the
16 Administrator to make this payment to itself in accordance with the Settlement;

17 d) The Court approves the PAGA Fund of \$165,246.57, from which

18 i) \$123,934.93 (75%) shall be paid to the California Labor and
19 Workforce Development Agency, and

20 ii) \$41,311.64 (25%) shall be paid to all PAGA Members to be
21 distributed on a proportionate basis;

22 e) If any PAGA Member fails to negotiate their Individual Settlement Payment
23 check within 180 calendar days after issuance, the Administrator shall forward the sums
24 represented by the uncashed checks to the State of California, Controller’s Office, Unclaimed
25 Property Division;

26 f) Pursuant to Labor Code section 2699(l)(3), Plaintiffs shall submit a copy of this
27 Order and Judgment to the California Labor and Workforce Development Agency within 10
28 days after entry of the Order and Judgment.

1 g) Pursuant to California Rules of Court, Rule 3.769(h), the Court retains
2 jurisdiction over the parties with respect to enforcement of this Judgment under California
3 Code of Civil Procedure §664.6.

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5 **IT IS SO ORDERED.**

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7 Dated: _____

The Honorable Joel R. Wohlfeil
Judge of the Superior Court