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12 Attorneys for Plaintiff Juan Andrade, on behalf of himself and all “aggrieved employees”
13 pursuant to Labor Code § 2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF TULARE**

12 JUAN ANDRADE, on behalf of himself
13 and all “aggrieved employees” pursuant to
14 Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 WILL TIESIERA FORD, INC., a
17 California corporation, and DOES 1
18 through 10, inclusive,

18 Defendants.

Case No.: 285296

Assigned to the Hon. David C. Mathias, Dept. 1

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS AND
DISMISSING ACTION WITH PREJUDICE**

Action Filed: December 8, 2020

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On September 17, 2020, Plaintiff Juan Andrade (“Plaintiff”) complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending a letter, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendant Will Tiesiera Ford, Inc. (“Defendant”) (hereinafter Plaintiff and Defendant are collectively referred to as the “Parties”), setting forth the facts and theories of the violations alleges against Defendant. *See* Declaration of Daniel F. Gaines (“Gaines Decl.”) at ¶ 6; Exhibit “B” to Gaines Decl.

2. Plaintiff filed his Representative Action Complaint on December 8, 2020 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 212, 226(a), 226.7, 510, 512, and 1194 and Labor Code § 2699(a) for violations of Labor Code §§ 225.5, 226.3, and 558 (“the Action”). *See* Gaines Decl. at ¶ 7.

3. Defendant denied and continues to deny any liability to Plaintiff or any other allegedly aggrieved employee for any violations alleged in the Action. *See* Gaines Decl. at ¶ 9.

4. During the course of the litigation, the Parties engaged in informal discovery and shared the information necessary for all sides to conduct a legitimate investigation into the allegations of the action and potential defenses thereto. The Parties have reached this settlement only after such discovery and investigation was performed, following a mediation with Marc J. Feder, Esq. on January 24, 2022. *See* Gaines Decl. at ¶ 8.

5. Based on the information and documents obtained through informal discovery, Plaintiff assessed the value of the PAGA claims (without stacking) to be approximately \$280,000 (at the rate of a \$100 penalty for 2,800 pay periods at issue). *See* Gaines Decl. at ¶ 11. Defendant disagreed with Plaintiff’s valuation of the PAGA claims.

6. The amount of the settlement is \$130,000. Although Defendant disagrees with Plaintiff’s initial valuation of the PAGA claims, Plaintiff contends that the settlement amount represents a recovery of over 46% of the possible discretionary penalties and includes an

1 apportionment of attorneys' fees and costs and a modest general release payment to Plaintiff
2 Andrade. *See* Gaines Decl. at ¶ 12.

3 7. The Parties agree that the settlement amount represents a fair compromise of the
4 claims, including the related costs of litigation and risk. *See* Gaines Decl. at ¶ 13.

5 8. Based on their extensive experience litigating over 100 representative actions,
6 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
7 the Court. *See* Gaines Decl. at ¶¶ 2-5; Exhibit "A" to Gaines Decl.

8 9. The Parties request that the Court enter the accompanying order, approving the
9 Settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
10 2699(1), and dismiss this Action with prejudice. *See* Gaines Decl. at ¶ 14.

11 **IT IS SO STIPULATED.**

12 Dated: May 17, 2022

13 Respectfully submitted,
14 GAINES & GAINES
A Professional Law Corporation

15 By: Daniel F. Gaines
Daniel F. Gaines
16 Alex P. Katofsky
Attorneys for Plaintiff

17
18 FINE, BOGGS & PERKINS LLP

19 By: John P. Boggs
John P. Boggs, Esq.
20 David J. Reese, Esq.
21 Robert A. Lopez, Esq.
Attorneys for Defendant

ORDER

The Court, having reviewed the Parties' Private Attorneys General Act (Labor Code § 2698 *et seq.*) Settlement Agreement (the "Settlement" or "Settlement Agreement") attached as Exhibit "C" to the concurrently-filed Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of Daniel F. Gaines exhibits attached thereto, hereby ORDERS:

1. The Court finds the Settlement was entered into in good faith, that the settlement is fair, reasonable and adequate, and that the settlement satisfies the standards and applicable requirements for approval of PAGA representative actions under California law.

2. The Court approves the penalties to be paid to the aggrieved employees and the State of California as set forth in the Settlement, pursuant to Labor Code § 2699(1). The Court further approves all payments to be made to Plaintiff's counsel and Plaintiff Andrade based on the terms of the Settlement.

3. This Action is hereby DISMISSED WITH PREJUDICE.

4. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

5. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to
3 the within action. My business address is 4550 E. Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On May 17, 2022, I served the foregoing document described as **STIPULATION AND**
6 **PROPOSED ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT**
7 **CLAIMS AND DISMISSING ACTION WITH PREJUDICE** on the interested parties in this action by placing a
8 true copy thereof enclosed in sealed envelopes addressed as follows:

9 **John P. Boggs, Esq.**
10 **David J. Reese, Esq.**
11 **Robert A. Lopez, Esq.**
12 **FINE, BOGGS & PERKINS LLP**
13 **111 West Ocean Boulevard, Suite 2400**
14 **Long Beach, California 90802**

15 On the above date:

16 X (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
17 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
18 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
19 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
20 meter date is more that one day after date of deposit for mailing in affidavit.

21 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
22 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
23 carrier or driver authorized by the express carrier to receive documents.

24 _____ (BY FACSIMILE TRANSMISSION) On May 17, 2022, at _____ a.m./p.m., at Calabasas, California, I
25 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
26 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
27 telephone number(s) of the receiving facsimile machine was (____) ____-____. A transmission report was properly
28 issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

_____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

_____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2022, at Calabasas, California.

25 
26 JEREMY REYES