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7 Attorneys for Plaintiff Amanda Fowler on behalf of herself and all "aggrieved employees"
8 pursuant to Labor Code § 2698 *et seq.*

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

11 AMANDA FOWLER, on behalf of herself
12 and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

13 Plaintiffs,

14 v.

15 LOOMIS BASIN EQUINE MEDICAL
16 CENTER, INC., a California corporation,
and DOES 1 through 10, inclusive,

17 Defendants.
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Case No. 20-CVC-11929

Assigned to the Hon. J.S. Hermanson, Dept. 3

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

Action Filed: December 1, 2020

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STIPULATION

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

1. On September 15, 2020, 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, setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “A” to Gaines Decl.).

2. Plaintiff filed her Representative Action Complaint on December 1, 2020, seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7, 246, 510, 512, 1194, and 2802 and pursuant to Labor Code § 2699(a) for violations of Labor Code §§ 226.3 and 558. (Gaines Decl. at ¶ 7).

3. The parties thereafter conducted informal discovery to ascertain the size of the aggrieved employee group, the number of affected pay periods at issue among them, and the strength of Plaintiff’s claims. (Gaines Decl. at ¶ 8).

4. Being fully apprised of the value and strength of Plaintiff’s claims, the parties participated in a mediation with David Perrault, Esq. on June 10, 2021 in an attempt to resolve the claims asserted in the Action. (Gaines Decl. at ¶ 9).

5. The parties engaged in arm’s-length negotiations and reached a resolution of the PAGA claims asserted in the action. Based on the information and documents obtained through informal discovery and during mediation, Plaintiff assessed the maximum value of the PAGA claims (without stacking) to be approximately \$240,600 (at the rate of a \$100 penalty for 2,406 pay periods at issue for approximately 98 aggrieved employees during the applicable time frame). (Gaines Decl. at ¶ 10).

6. The amount of the settlement is \$140,000 which represents over 58% of the maximum recoverable discretionary penalties and includes an apportionment of attorneys’ fees and costs and a general release payment to Plaintiff Fowler. (Gaines Decl. at ¶ 11).

1 7. The settlement amount represents a fair compromise of the claims. (Gaines Decl. at
2 ¶ 12).

3 8. Based on their extensive experience litigating over 200 representative actions,
4 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
5 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit "B" to Gaines Decl.).

6 9. The parties request that the Court enter the accompanying order, approving their
7 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
8 2699(l), and dismissing this Action with prejudice. (Gaines Decl. at ¶ 13).

9 **IT IS SO STIPULATED.**

10 Dated: July __, 2021

11 For Plaintiff:

For Defendant:

12
13 GAINES & GAINES, APLC

COOK BROWN, LLP

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15 By: Daniel F. Gaines
16 DANIEL F. GAINES

By: Lisa V. Ryan
LISA V. RYAN

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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 and 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(l). The Court further approves all payments to be made to Plaintiff's counsel and Plaintiff Castellanos 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 27200 Agoura Road, Suite 101, Calabasas, CA 91301

4 _____ (For messenger) my business address is:

5 On July 27, 2021, I served the foregoing document described **STIPULATION AND [PROPOSED] ORDER**
6 **APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS, AND DIMISSING**
7 **ACTION WITH PREJUDICE** on the interested parties in this action by placing a true copy thereof enclosed in sealed
8 envelopes addressed as follows:

9 **Lisa V. Ryan, Esq**
10 **Dylan T. Rupchock, Esq**
11 **Cook Brown, LLP**
12 **2407 J St., 2nd Floor**
13 **Sacramento, CA 95816**

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

20 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____, at Calabasas, California, I served the above-
21 referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008 of
22 the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-
23 8984 and the telephone number(s) of the receiving facsimile machine was (916) 920-4402. A
24 transmission report was properly issued by the sending facsimile machine, and the transmission was
25 reported as complete and without error. Copies of the facsimile transmission cover sheet and the
26 transmission report are attached to this proof of service.

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

_____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission via email on the counsel of record listed above.

 X (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce
Development Agency via online process at the PAGA Filing website in accordance with the procedure
imposed by the LWDA.

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 July 27, 2021, at Calabasas, California.

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27 _____
28 JEREMY REYES