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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

STEPHANIE AGUIRRE, as an individual
and on behalf of all others similarly situated,

Plaintiffs,

vs.

PINNACLE CLAIMS MANAGEMENT,
INC., a California corporation; WESTERN
GROWERS ASSOCIATION, a California
corporation; WESTERN GROWERS
INSURANCE SERVICES, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2020-01161977-CU-OE-CXC

[Assigned for all purposes to the Hon. William
Claster, Dept. CX101]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
SETTLEMENT AGREEMENT PURSUANT
TO THE PRIVATE ATTORNEYS GENERAL
ACT OF 2004; AND JUDGMENT**

Date: September 6, 2024
Time: 9:00 a.m.
Dept.: CX101

Reservation No.: 74354274

Action Filed: September 24, 2020
Trial Date: September 30, 2024

1 **[PROPOSED] ORDER**

2 Plaintiff Stephanie Aguirre's ("Plaintiff") Motion to Approve the Parties' Settlement
3 Agreement Pursuant to the Private Attorneys General Act of 2004 came on regularly for hearing.
4 Appearances for Plaintiff and Defendants Pinnacle Claims Management, Inc. and Western
5 Growers Association (together, "Defendants") (Plaintiff and Defendants collectively, the
6 "Parties") were noted on the record.

7 The Court has considered the PAGA Settlement Agreement ("Settlement Agreement")
8 and all other papers filed in this action.

9 **NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS**
10 **FOLLOWS:**

11 1. Plaintiff's Motion to Approve Settlement Agreement Pursuant to the Private
12 Attorneys General Act is **GRANTED**. Pursuant to Labor Code § 2699(i), the Gross Settlement
13 Amount of \$105,000.00 shall be distributed as follows:

- 14 a. Seventy-five percent (75%) of the Net Settlement Amount, totaling Thirty
15 Four Thousand Five Hundred Dollars (\$34,500.00) to the California Labor
16 & Workforce Development Agency for PAGA penalties.
- 17 b. Twenty-five percent (25%) of the Net Settlement Amount, totaling Eleven
18 Thousand Five Hundred Dollars (\$11,500.00) to Aggrieved Employees.
- 19 c. Thirty-Five Thousand Dollars (\$35,000.00) to Plaintiff's Counsel as
20 Attorneys' Fees;
- 21 d. Fourteen Thousand Three Hundred and One Dollars and Sixty Cents
22 (\$14,301.60) to Plaintiff's Counsel as Litigation Costs;
- 23 e. Five Thousand Dollars (\$5,000.00) to Plaintiff as an Incentive Payment;
24 and
- 25 f. Four Thousand Dollars (\$4,000.00) to the Settlement Administrator,
26 Phoenix Settlement Administrators.

27 2. The LWDA and Plaintiff, as representatives of the State of California and on
28

1 behalf of all Aggrieved Employees, hereby fully release Defendants and all Released Parties
2 from any and all claims for civil penalties under California Labor Code § 2698, *et seq.* arising
3 during the PAGA Period, that were pled or could have reasonably been pled based on the factual
4 allegations contained in the Operative Complaint and PAGA Letter, including, but not limited to,
5 claims for violation of Labor Code §§ 201-203, 226, 226.7, 246, 510, 512, 558, and 1194, and all
6 applicable IWC Wage Orders, as well as any attorney's fees and costs available under PAGA
7 ("Released Claims"). The term "Released Parties" means (i) Pinnacle Claims Management, Inc.,
8 (ii) Western Growers Association, and (iii) their respective parent companies, affiliates,
9 subsidiaries, divisions, partners, joint venture partners, predecessors, insurers, representatives,
10 agents, successors and assigns, and their current and former employees, attorneys, officers,
11 directors, members, shareholders, and agents thereof, both individually and in their business
12 capacities, and their insurers.

13 3. The Settlement Administrator shall issue each Aggrieved Employee a check for
14 his or her share of the PAGA penalties along with an explanatory letter attached hereto as

15 **Exhibit A.**

16 4. Plaintiff and Defendants are ordered to carry out the terms of the settlement in
17 accordance with the terms of the Settlement Agreement.

18 5. The Court hereby enters final judgment in this case in accordance with the terms
19 of the Settlement, and this Order.

20 **IT IS SO ORDERED.**

21
22 DATED: _____

23 HONORABLE WILLIAM CLASTER
24 SUPERIOR COURT OF CALIFORNIA
25
26
27
28

EXHIBIT A

<<FIRST_NAME>> <<LAST_NAME>>
<<ADDRESS 1>>
<<ADDRESS 2>>

The parties to a lawsuit entitled *Stephanie Aguirre v. Pinnacle Claims Management, Inc., et al.*, filed in the Superior Court of the State of California for the County of Orange, Case No. 30-2020-01161977-CU-OE-CXC (the “Action”), have reached a settlement that affects you. Plaintiff Stephanie Aguirre (“Plaintiff”), as a proxy of the State of California and on behalf the Aggrieved Employees, filed suit against Pinnacle Claims Management, Inc. and Western Growers Association (together, “Defendants”) for alleged Labor Code violations. The “Aggrieved Employees” is defined to include all current and former non-exempt employees of Defendants in California during the period of April 6, 2019, through March 7, 2024 (the “PAGA Period”) who either: 1) Were paid overtime wages and non-discretionary remuneration during the same pay period; or 2) Were paid sick pay wages and non-discretionary remuneration during the same pay period; or 3) Worked a shift of five hours or greater during the PAGA Period.

Generally, Plaintiff sought civil penalties under the California Private Attorneys General Act (“PAGA”), claiming that Defendants failed to provide off-duty meal breaks, failed to pay overtime, sick pay, and premium pay for missed breaks at the regular rate of pay, failed to issue accurate itemized wage statements, and failed to pay all wages due to employees upon separation of employment.

Defendants deny each of Plaintiff’s claims. However, to avoid the time and expense associated with further litigation, Plaintiff and Defendants agreed to settle the case.

Pursuant to the release approved by the Court, Plaintiff, as a proxy for the State of California and on behalf of all Aggrieved Employees, released the Released Parties from any and all claims for civil penalties under California Labor Code § 2698, *et seq.* arising during the PAGA Period, that were pled or could have reasonably been pled based on the factual allegations contained in the Operative Complaint and PAGA Letter, including, but not limited to, claims for violation of Labor Code §§ 201-203, 226, 226.7, 246, 510, 512, 558, and 1194, and all applicable IWC Wage Orders, as well as any attorney’s fees and costs available under PAGA (“Released Claims”). The Released Claims only applies to claims for civil penalties under PAGA, and not any other claim or right that you may have.

The Released Parties are (i) Pinnacle Claims Management, Inc., (ii) Western Growers Association, and (iii) their respective parent companies, affiliates, subsidiaries, divisions, partners, joint venture partners, predecessors, insurers, representatives, agents, successors and assigns, and their current and former employees, attorneys, officers, directors, members, shareholders, and agents thereof, both individually and in their business capacities, and their insurers.

According to Defendants’ records, you are an Aggrieved Employee and are therefore entitled to a share of the settlement. Enclosed is a check representing your share of the settlement. The check shall remain valid for one hundred eighty (180) days. The funds from checks that remain uncashed after 180 days will be sent to the California State Controllers’ Office Unclaimed Property Fund in the name of individual(s) to whom the funds relate. One hundred percent (100%) of your share of the settlement shall be deemed penalties and reported as miscellaneous income for which an IRS Form 1099 will be issued, if required by law. You are solely and legally responsible for paying any and all applicable taxes on your share of the settlement.

If you have any questions, please contact:

Settlement Administrator

Address

Address

Telephone