

HAINES LAW GROUP, APC
 Paul K. Haines (SBN 248226)
 phaines@haineslawgroup.com
 Sean M. Blakely (SBN 264384)
 sblakely@haineslawgroup.com
 Neil M. Larsen (SBN 276490)
 nlarsen@haineslawgroup.com
 Jaime Castaneda (SBN 344833)
 jcastaneda@haineslawgroup.com
 2155 Campus Drive, Suite 180
 El Segundo, California 90245
 Tel: (424) 292-2350
 Fax: (424) 292-2355

Attorneys for Plaintiff

FILED
 Superior Court of California
 County of Los Angeles

12/06/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: E. Perez Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PIERRE FISTANIC, as an individual and on
 behalf of all others similarly situated,

Plaintiff,

vs.

HILLTOP SECURITIES INC., a Delaware
 corporation; and DOES 1 through 100,

Defendants.

Case No. 20STCV47743

*[Assigned for all purposes to the Hon. Kevin
 C. Brazile, Dept. 20]*

**[PROPOSED] JUDGMENT AND ORDER
 GRANTING PLAINTIFF'S MOTION
 FOR APPROVAL OF SETTLEMENT OF
 CLAIMS BROUGHT UNDER THE
 PRIVATE ATTORNEYS' GENERAL
 ACT, REASONABLE ATTORNEYS'
 FEES, COSTS, AND ENHANCEMENT
 AWARD**

Date: November 4, 2022
 Time: 8:30 a.m.
 Dept.: 20

Reservation ID: 742939880446

Complaint Filed: December 14, 2020
 Trial Date: None set

1 This matter came on regularly for hearing before this Court on November 4, 2022 at 8:30
2 a.m. Having considered the Parties' Settlement Agreement ("Settlement");¹ the documents and
3 evidence presented in support thereof; and recognizing the disputed factual and legal issues
4 involved in this case; the risks of further prosecution, the substantial benefits to be received by
5 the State of California and the Aggrieved Employees pursuant to the Settlement; and the fair,
6 reasonable, and adequate nature of the settlement obtained as a result of good faith arm's-length
7 negotiations between the parties, the Court hereby makes a final ruling that the Settlement is
8 approved pursuant to Labor Code section 2699(l). Good cause appearing therefore, the Court
9 hereby GRANTS Plaintiff Pierre Fistanic's ("Plaintiff") Motion for Approval of Claims under
10 the Private Attorneys General Act ("Motion"), and ORDERS as follows:

11 1. The "Aggrieved Employees" shall be defined as all current and former employees
12 of Hilltop who worked pursuant to a commission pay plan at any time during the PAGA Period.
13 The "PAGA Period" means April 12, 2019 to December 31, 2021.

14 2. The California Labor Workforce and Development Agency ("LWDA") has been
15 provided notice of the Settlement in accordance with PAGA, California Labor Code § 2699(l)(2),
16 (l)(4). In particular, on the date Plaintiff filed a Motion seeking approval of the Settlement with
17 the Court, Plaintiff submitted to the LWDA a notice of the Settlement enclosing a copy of the
18 Settlement Agreement. Plaintiff's notice of the Settlement to the LWDA complied with the notice
19 requirements of PAGA.

20 3. The Court hereby approves the settlement as set forth in the Settlement as fair,
21 reasonable, and adequate, and directs the parties to effectuate the Settlement according to its
22 terms.

23 4. The Court orders that Defendant shall pay the Gross Settlement Amount of
24 \$93,625.00 to the Settlement Administrator within thirty (30) calendar days of this Order,
25 pursuant to the terms of this Settlement.
26

27
28 ¹ All terms used in this Order shall have the same meaning as that assigned to them in the
Settlement Agreement, which is attached as Exhibit 1 to the Declaration of Paul K. Haines
submitted concurrently with the Motion.

1 5. The Court hereby approves, as to form and content, the Explanatory Letter
2 submitted by the parties and included as Exhibit A to the Settlement.

3 6. The Court hereby appoints Phoenix Class Action Administration Solutions as the
4 Settlement Administrator.

5 7. Within five (5) business days of this Order, Defendant shall provide the
6 Settlement Administrator with a list containing each Aggrieved Employee's full name, last
7 known mailing address, total number of Affected Pay Periods, and Social Security number to the
8 extent available from Defendant's records, pursuant to the terms of the Settlement.

9 8. The Settlement Administrator is directed to mail the Individual PAGA Payments
10 and the Explanatory Letter to the Aggrieved Employees within twenty-one (21) days of receipt
11 of the Gross Settlement Amount being fully funded, pursuant to the terms of the Settlement.

12 9. The Court finds that attorneys' fees in the amount of one-third of the Gross
13 Settlement Amount (currently estimated to be \$31,208.33) for Plaintiff's Counsel, and
14 reimbursement of litigation costs of up to \$11,538.68 to Plaintiff's Counsel, are fair, reasonable,
15 and adequate, and orders the Settlement Administrator to distribute these payments to Plaintiff's
16 Counsel as provided for in the Settlement Agreement.

17 10. The Court orders that the Settlement Administrator shall be paid up to \$2,250.00
18 for all of its work done and to be done until the completion of this matter, and finds that sum
19 appropriate.

20 11. The Court finds that the requested Enhancement Award of \$5,000.00 to Plaintiff
21 is fair, adequate, and reasonable in recognition of the unique contributions he made and the risks
22 he undertook, on behalf of the Aggrieved Employees and the State of California, and orders that
23 the Settlement Administrator distribute this payment to Plaintiff as provided for in the Settlement
24 Agreement.

25 12. The Court finds that the amount of \$32,720.99, representing 75% of the Net
26 Settlement Amount, allocated as PAGA civil penalties under the Settlement, to be paid to the
27 California Labor and Workforce Development Agency ("LWDA") as provided for by the
28 Settlement, is fair, adequate, and reasonable, and orders that payment be made to the LWDA in

1 accordance with the terms of the Settlement Agreement. The Court further finds that the amount
2 of \$10,907.00, representing 25% of the Net Settlement Amount, allocated as PAGA civil
3 penalties under the Settlement, to be paid to the Aggrieved Employees (i.e., Individual PAGA
4 Payments) as provided for by the Settlement, is fair, adequate, and reasonable, and orders that
5 payment be made to Aggrieved Employees on a pro rata basis in accordance with the terms of
6 the Settlement and this Order.

7 13. Checks for Individual PAGA Payments sent to Aggrieved Employees shall be
8 valid for 180 days after issuance. Funds remaining from any checks for Individual PAGA
9 Payments uncashed for more than 180 days after issuance, will escheat to the State Controller's
10 Office under the unclaimed property fund laws in the names of the Aggrieved Employees to
11 whom the checks were issued.

12 14. The Court approves the scope of the release as set forth in the Settlement.
13 Following entry of this Judgment and Order and the Settlement being fully funded, Plaintiff and
14 Aggrieved Employees will have released all of the PAGA Released Claims against the Released
15 Parties which were resolved as part of the Settlement. The PAGA Released Claims include all
16 claims for civil penalties under the PAGA, that were alleged in the Action or that could have
17 been alleged based on the facts alleged in Plaintiff's PAGA notice and in the Action, arising from
18 Aggrieved Employees' employment with Hilltop during the PAGA Period, including claims for
19 PAGA civil penalties based on alleged violations of Labor Code §§ 201-204, 226, 226.2, 226.7,
20 516, 558, 1174, 1182.12, 1194, 1194.2, 1197, and 1198, and including any and all orders and
21 awards for costs, fees, and/or sanctions previously issued in the Action. The release of the PAGA
22 Released Claims shall extend for the duration of the PAGA Period.

23 15. Plaintiff is directed to submit a copy of this Order and entry of judgment to the
24 LWDA within ten (10) calendar days of the date of this Order and entry of judgment.

25 16. Plaintiff shall file a declaration confirming the final distribution of funds on or
26 before _____, 2023.

27 ///

28 ///

1 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

2
3 Dated: 12/06/2022



4 By: Kevin C. Brazile
5 Honorable Kevin C. Brazile
6 Judge of the Superior Court
7 Kevin C. Brazile / Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28