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Attorneys for Plaintiffs Daniel Colmenares and Cathy Hernandez

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

DANIEL COLMENARES, an individual,
CATHY HERNANDEZ, and individual, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

FREE ENERGY SAVINGS COMPANY,
LLC, a California Limited Liability
Corporation; ALLAN RAGO, an individual;
KRISTINE VANNEMAN, an individual;
LEFLORIDA LESLIE, an individual and
DOES I through 100, inclusive;

Defendants.

Case No. CIVSB2028719

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Jessica Morgan
Department S26

REPRESENTATIVE ACTION

**[PROPOSED] ORDER ON PLAINTIFFS'
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS' GENERAL ACT ("PAGA")
SETTLEMENT AND JUDGMENT THEREON**

Date: December 13, 2023

Time: 8:30 a.m.

Dept: S26

Judge: Hon. Jessica Morgan

Complaint filed: December 9, 2020

Trial date: Not Set

1 Pursuant to the Motion for an Order Granting Approval of the Private Attorneys General
2 Act (“PAGA”) Settlement submitted by Plaintiffs Daniel Colmenares and Cathy Hernandez
3 (“Motion”), having considered the Motion, all legal authorities and documents submitted in
4 support, Declarations of Michael D. Singer and Daniel Srourian and attached exhibits, including
5 the fully-executed Joint Stipulation of PAGA Settlement and Release (“Settlement
6 Agreement”), and good cause appearing, IT IS ORDERED that the Motion is GRANTED,
7 subject to the following orders:

8 a) The Court approves the Gross Settlement Amount of \$200,000.00;

9 b) The Court orders 75% of the Net Settlement Fund, \$82,524.75, be paid to the
10 California Labor and Workforce Development Agency as PAGA penalties;

11 c) The Court orders 25% of the Net Settlement Amount, \$27,508.25, be paid to
12 the PAGA Members in pro rata shares based on the number of pay periods worked from
13 November 19, 2019 to August 18, 2023, as PAGA penalties;

14 d) The Court approves and awards Plaintiffs’ Counsel, Cohelan, Khoury & Singer,
15 and the Srourian Law Firm, attorneys’ fees of \$66,600.00, and litigation costs of \$19,372.00;

16 e) The Court finds the payment of \$3,995.00 to the Administrator, ILYM Group,
17 Inc., for expenses incurred, is fair and reasonable, and orders the Administrator to make this
18 payment to itself in accordance with the Agreement;

19 f) If any PAGA Member fails to negotiate their settlement check within 180
20 calendar days after mailing, ILYM Group, Inc. will send the amount of such settlement checks
21 to the California State Controller for deposit in the Unclaimed Property Fund in the name of
22 the employee.

23 **JUDGMENT**

24 In accordance with, and for the reasons stated in this Order, judgment shall be entered
25 whereby named Plaintiffs and all PAGA Members shall take nothing from Defendants, except
26 as expressly set forth in the Joint Stipulation of PAGA Settlement and Release, which was filed
27 as part of Plaintiffs’ Motion for Order Granting Approval of a Private Attorneys General Act
28 (“PAGA”) Settlement.

1 Under California Code of Civil Procedure section 664.6 and Rule 3.769(h) of the
2 California Rules of Court, this Court reserves exclusive and continuing jurisdiction over this
3 action, the named Plaintiffs, the PAGA Members, and Defendants, for the purposes of:

4 (a) supervising the implementation, enforcement, construction, and
5 interpretation of the Joint Stipulation of PAGA Settlement and Release, the Order Granting
6 Approval of a Private Attorneys General Act (“PAGA”) Settlement, and the Judgment; and

7 (b) supervising distribution of amounts paid under this Settlement.

8 This document shall constitute a judgment for purposes of Rules of Court, Rule
9 3.769(h).

10 **IT IS SO ORDERED.**

11
12 Dated: _____

Honorable Jessica Morgan
Judge of the Superior Court