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Attorneys for Plaintiff MOHAMMAD ALAVICHEH

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

MOHAMMAD ALAVICHEH; an individual,
on behalf of himself and on behalf of other
Aggrieved Employees and the State of
California,

Plaintiff,

v.

SUBURBAN BUICK GMC CADILLAC,
LLC., a Michigan Limited Liability Company;
and DOES 1-50, Inclusive,

Defendant.

Case No: 30-2021-01181315-CU-OE-CXC

~~PROPOSED~~ AMENDED ORDER
APPROVING PAGA SETTLEMENT
AND JUDGMENT

Hearing Date: April 28, 2023
Hearing Time: 1:30 p.m.

Dept.: CX103
Judge: Lon F. Hurwitz

Action Filed: January 27, 2021

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 29 2023

DAVID H. YAMASAKI, Clerk of the Court

D. MIRANDA

DEPUTY

1 Plaintiff Mohammad Alavicheh ("Plaintiff") moves for approval of the settlement of
2 Plaintiff's claims under the California Labor Code Private Attorneys General Act ("PAGA"),
3 pursuant to California Labor Code § 2699(l), against Defendant Suburban Buick GMC Cadillac,
4 LLC. ("Defendant").

5 The Settlement Agreement is attached to the Second Supplemental Declaration of Shani O.
6 Zakay available on the Court's docket as ROA #124 Ex. 2.

7 Plaintiff exhausted all administrative remedies required to bring the PAGA claims asserted
8 in this action and is authorized to act as private attorney generals with respect to the PAGA claims
9 being released under the terms of the Settlement Agreement and Limited Release ("Settlement
10 Agreement"). The California Labor Workforce Development Agency was provided with notice of
11 the settlement and the motion for approval of the settlement via its online process and no objection
12 has been received to the settlement or the motion from the Labor Workforce Development Agency.
13 The Parties seek approval of the settlement of Plaintiff's PAGA claims and the Settlement Sum to
14 be paid as part of the settlement as set forth in the Settlement Agreement which was filed with the
15 Court. The settlement provides for a Settlement Sum in the total sum of \$120,000, which includes
16 the Net PAGA Payment, Plaintiff's Counsel attorneys' fees in the amount of \$40,000, Plaintiffs'
17 Counsel litigation expenses in the amount of \$7,562.17 and a Settlement Administrator Fee in the
18 amount of \$3,000. The Net PAGA Payment is the amount remaining from the Settlement Sum after
19 the deduction of the Settlement Administration Fee, Plaintiff's Counsel's Fee Amount and
20 Plaintiff's Counsels' Cost Amount. Taking the above distributions into account, the Net PAGA
21 Payment in the amount of \$69,437.83 will allocated as follows: (a) \$52,078.37 (75%) to the LWDA;
22 (b) \$17,359.46 (25%) to the Aggrieved Employees. The Settlement Administrator will be Atticus
23 Administration, LLC. The Court approved the Settlement Sum and the distributions of the
24 Settlement Sum as set forth above. The Court approved the Settlement Notice, which is attached
25 hereto as Exhibit A.

26 The Court, having reviewed the evidence and papers submitted and argument of counsel,
27 pursuant to Labor Code section 2699(l)(2) hereby GRANTS the Parties' motion and approves the
28

1 PAGA settlement as set forth in the Settlement Agreement and the Settlement Sum, which shall be
2 allocated and paid out as set forth in the Settlement Agreement.

3 The "Aggrieved Employees" are defined as "all individuals who worked for Defendant as
4 non-exempt employees in California during the PAGA Period." The "PAGA Period" is the period
5 from November 18, 2019, through February 28, 2022. Upon entry of Judgment and funding in full
6 of the Settlement by Defendant, the Released Parties shall be entitled to a release from the State of
7 California and the Plaintiff as to all PAGA claims alleged in the operative complaint which occurred
8 during the PAGA Period. ("Released Claims").

9 A final accounting hearing is set for July 26, 2024, at 1:30 p.m. A declaration from the
10 Settlement Administrator or any other supporting papers regarding compliance with the terms of
11 the Judgment must be filed no later than July 12, 2024.

12 Plaintiff is ordered to submit a copy of this Judgment to the LWDA within ten (10) calendar
13 days after entry of the Judgment.

14 Judgment is hereby entered on the claims asserted under PAGA in this action. After entry
15 of this Order and Judgment, the Court shall retain jurisdiction pursuant to the California Code of
16 Civil Procedure §664.6 to construe, interpret, implement, and enforce the Settlement Agreement, to
17 hear and resolve any contested challenge to a claim for settlement benefits, and to supervise and
18 adjudicate any dispute arising from or in connection with the distribution of settlement benefits.

19
20 **IT IS SO ORDERED AND ADJUDGED. LET JUDGMENT BE FORTHWITH**
21 **ENTERED ACCORDINGLY.**

22 DATED: AUG 29 2023, 2023

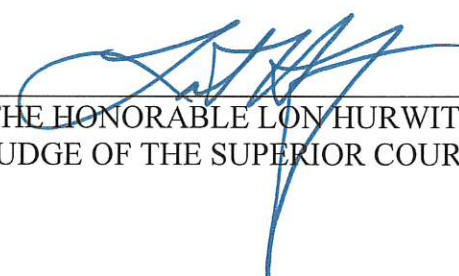
23 
24 THE HONORABLE LON HURWITZ
25 JUDGE OF THE SUPERIOR COURT
26
27
28

EXHIBIT A

Administrator Notice

You are receiving this payment because of a lawsuit brought by a former California employee, Mohammad Alavicheh ("Plaintiff") against Suburban Buick GMC Cadillac, LLC ("Company"), for civil penalties pursuant to the Private Attorneys General Act, Labor Code § 2698 et seq. ("PAGA"). Plaintiff claimed that she and other employees were not provided legally compliant meal and rest periods, not properly paid minimum wages and separately compensate rest breaks at the regular rate of pay, not provided with accurate wage statements, and not timely paid final wages.

The Company denies these claims and denies that it owes any penalties, but to avoid further time and expense in litigation, the Company and Plaintiff have agreed to settle the case. The settlement resolves the claims asserted in the lawsuit on behalf of all individuals who worked for Defendant as non-exempt employees in California between November 18, 2019, to February 28, 2022. ("PAGA Employees"). According to Company records, you are a PAGA Employee and are therefore entitled to a share of the settlement. This settlement check shall remain valid until **insert date**.

This check is issued pursuant to the terms of the PAGA settlement in the case entitled *Mohammad Alavicheh v. Suburban Buick GMC Cadillac, LLC, Superior Court State of California, County of Orange, Case No. 30-2021-01181315-CU-OE-CXC*.

This payment is taxable income for federal, state, and local tax purposes and may be reported to the appropriate taxing authorities. You may be required to make additional tax payments. Please consult a tax advisor to determine your individual tax payment and reporting situation. You will be mailed appropriate tax forms in January 2023. Please notify us of any address changes so that any necessary tax forms can be mailed to your most current address.

If you have any questions about your award, please contact the **insert administrator information**.