

FILED
ENDORSED

2022 MAR -3 PM 2: 16

LAW AND MOTION DEPT. 53/54
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff

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

KEVIN LEWIS, an individual and on behalf
of all others similarly situated,

Plaintiff,

vs.

VISION SERVICE PLAN, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 34-2020-00289208-CU-OE-GDS

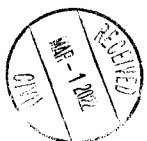
**[AMENDED PROPOSED] ORDER
GRANTING PLAINTIFF'S
UNOPPOSED MOTION TO APPROVE
SETTLEMENT AGREEMENT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT; AND
JUDGMENT THEREON**

FILED BY FAX

Date: March 2, 2022
Time: 9:00 a.m.
Dept.: 54

Reservation No.: 2616727

Complaint Filed: November 17, 2020
Trial Date: None Set



[AMENDED PROPOSED] ORDER

Plaintiff Kevin Lewis' ("Plaintiff") Motion to Approve Settlement Agreement Pursuant to the Private Attorneys General Act ("PAGA") was filed with the Court on February 4, 2022, and the Court issued a tentative ruling in advance of the hearing, which was set for March 2, 2022. Plaintiff and Defendant Vision Service Plan ("Defendant") submitted on the tentative ruling.

The Court has considered the Motion, Settlement Agreement and Release ("Settlement Agreement"), and all other papers filed in this action.

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

1. Plaintiff's Motion to Approve Settlement Agreement Pursuant to the Private Attorneys General Act is **GRANTED**. Pursuant to Labor Code § 2699(i), the Gross Settlement Amount of \$850,000.00 shall be distributed as follows:

- a. Seventy-five percent of the Civil Penalties Allocation, totaling Three Hundred Eighty-Five Thousand Seven Hundred and Fifty-Eight Dollars and Eighty-Four Cents (\$385,758.84), to the Labor and Workforce Development Agency ("LWDA") for PAGA penalties.
- b. Twenty-five percent of the Civil Penalties Allocation, totaling One Hundred Twenty-Eight Thousand Five Hundred Eighty-Six Dollars and Twenty-Eight Cents (\$128,586.28), to Aggrieved Employees.
- c. Two Hundred Ninety-Seven Thousand Five Hundred Dollars (\$297,500.00) to Plaintiff's counsel as attorneys' fees;
- d. Eight Thousand Four Hundred Four Dollars and Eighty-Eight Cents (\$8,404.88) to Plaintiff's counsel as reimbursement for actual litigation costs;
- e. Twenty-Five Thousand Dollars (\$25,000.00) to Plaintiff Kevin Lewis as a service award and in exchange for a general release of claims and waiver of Civil Code § 1542; and
- f. Four Thousand Seven Hundred Fifty Dollars (\$4,750.00) to the Settlement

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Administrator.

2. Plaintiff and Defendant are ordered to carry out the terms of the settlement in accordance with the terms of the Settlement Agreement.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

DATED: **MAR - 3 2022**

CHRISTOPHER E. KRUEGER

HON. CHRISTOPHER E. KRUEGER
SUPERIOR COURT OF CALIFORNIA

1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5]ss.
6 COUNTY OF LOS ANGELES]

7 I am employed in the County of Los Angeles, State of California. I am over the age of 18
8 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250,
9 Los Angeles, California 90071.

10 On March 1, 2022, I served the following document(s) described as: **[AMENDED**
11 **PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION TO**
12 **APPROVE SETTLEMENT AGREEMENT PURSUANT TO THE PRIVATE**
13 **ATTORNEYS GENERAL ACT; AND JUDGMENT THEREON** on the interested parties in
14 this action as follows:

15 Marie Burke Kenny
16 Marie.kenny@procopio.com
17 Clint S. Engleson
18 Clint.engleson@procopio.com
19 Procopio, Cory, Hargreaves & Savitch LLP
20 525 B. Street, Suite 2200
21 San Diego, CA 92101
22 *Attorneys for Defendant Vision Service Plan*

23 X BY ELECTRONIC MAIL: by personally sending a true and correct copy of
24 the above-described document(s) to the party(ies) listed above or on the attached mailing list
25 from the e-mail server diversitylaw.com, to the electronic transmission address of the recipient(s)
26 indicated above or on the attached mailing list. I certify that said electronic transmission was
27 completed and that all pages were received by the party(ies) identified herein or on the attached
28 mailing list.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on March 1, 2022, at Los Angeles, California.

24 
25 _____
26 Linda Lee