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7 Attorneys for Plaintiff Elsa Castellanos on behalf of herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF BUTTE**

11 ELSA CASTELLANOS, on behalf of
12 herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,
13

14 Plaintiffs,

15 v.

16 AMPLA HEALTH, a California
corporation, and DOES 1 through 10,
inclusive,
17

18 Defendants.

Case No. 21CV01531

Assigned to the Hon. Stephen E. Benson, Dept. 6

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND DISMISSING ACTION WITH
PREJUDICE**

Action Filed: June 15, 2021

Trial Date: None Set

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STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On November 5, 2020, Plaintiff complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending a letter, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendant, setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “A” to Gaines Decl.).

2. Plaintiff filed her Representative Action Complaint on June 15, 2021, seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.3, 226.7, 512, 558, and 2802. (Gaines Decl. at ¶ 7).

3. After Plaintiff provided notice through the LWDA letter and provided an unfiled complaint to Defense counsel, Defendant provided requested discovery informally to Plaintiff’s counsel to ascertain the size of the aggrieved employee group, the number of affected pay periods at issue among them, and the strength of Plaintiff’s claims. (Gaines Decl. at ¶ 8).

4. Being fully apprised of the value and strength of Plaintiff’s claims, the parties participated in a mediation with David Perrault, Esq. on May 21, 2021 in an attempt to resolve the claims asserted in the Action. (Gaines Decl. at ¶ 9).

5. The parties engaged in arm’s-length negotiations and reached a resolution of the PAGA claims asserted in the action. Based on the information and documents obtained through informal discovery and during mediation, Plaintiff assessed the maximum value of the PAGA claims (without stacking) to be approximately \$409,700 (at the rate of a \$100 penalty for 4,097 pay periods at issue for approximately 560 aggrieved employees during the applicable time frame). (Gaines Decl. at ¶ 10).

6. The amount of the settlement is \$325,000 which represents over 79% of the maximum recoverable discretionary penalties and includes an apportionment of attorneys’ fees and costs and a general release payment to Plaintiff Castellanos. (Gaines Decl. at ¶ 11).

1 7. The settlement amount represents a fair compromise of the claims. (Gaines Decl. at
2 ¶ 12).

3 8. Based on their extensive experience litigating over 100 representative actions,
4 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
5 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit "B" to Gaines Decl.).

6 9. The parties request that the Court enter the accompanying order, approving their
7 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
8 2699(1), and dismissing this Action with prejudice. (Gaines Decl. at ¶ 13).

9 **IT IS SO STIPULATED.**

10 Dated: June 30, 2021

11 For Plaintiff:

For Defendant:

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13 GAINES & GAINES, APLC

GOODMAN LAW CORPORATION

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15 By: Daniel F. Gaines
16 DANIEL F. GAINES

By: Karen M. Goodman
KAREN GOODMAN

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ORDER

The Court, having reviewed the parties' Private Attorneys General Act (Labor Code § 2698 et. seq.) Settlement Agreement (the "Settlement" or "Settlement Agreement") attached as Exhibit "C" to the concurrently-filed Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of Daniel F. Gaines and exhibits attached thereto, hereby ORDERS:

1. The Court finds the Settlement was entered into in good faith, that the settlement is fair, reasonable and adequate, and that the settlement satisfies the standards and applicable requirements for approval of PAGA representative actions under California law.

2. The Court approves the penalties to be paid to the aggrieved employees and the State of California as set forth in the Settlement, pursuant to Labor Code § 2699(1). The Court further approves all payments to be made to Plaintiff's counsel and Plaintiff Castellanos based on the terms of the Settlement.

3. This Action is hereby DISMISSED WITH PREJUDICE.

4. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

5. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

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_____ (For messenger) my business address is:

Karen Goodman, Esq.
GOODMAN LAW CORPORATION
3840 Watt Ave., Bldg A
Sacramento, CA 95821

_____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

_____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

Executed on July 7, 2021, at Calabasas, California.

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