

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

THOUNG THOUNG PHAM,
individually and in her representative
capacity on behalf of all Aggrieved
Employees

Plaintiffs,

vs.

NFP CORP. WHICH WILL DO
BUSINESS IN CALIFORNIA AS
NATIONAL FINANCIAL
PARTNERS, a Delaware
corporation; PEN/FLEX INC., a
California corporation; and DOES 2
through 10 inclusive

Defendants.

Case No.: 37-2020-00024993-CU-
OE-CTL

Judge: Hon. Kenneth J. Medel
Dept.: 66

**[PROPOSED] ORDER GRANTING
EX PARTE APPLICATION TO
APPROVE PAGA SETTLEMENT**

1 **~~PROPOSED~~ ORDER**

2 WHEREAS, on October 28, 2022, at 8:30 a.m. Plaintiff Thoung Thoung
3 Pham individually and on behalf of herself and others similarly situated
4 (collectively, the “Plaintiffs”) in the above referenced action, via counsel,
5 appeared *Ex Parte* before this Court seeking an Order to Approve the parties’
6 Private Attorneys General Act Settlement; and

7 WHEREAS, the Application was unopposed by Defendants.

8 After considering the papers filed in support of said application,
9 supplemental briefing, and the Court record as a whole, IT IS HEREBY
10 ORDERED that the Court GRANTS Plaintiffs’ Application to Approve the
11 parties’ PAGA Settlement.

12 The Court finds the settlement is fair, adequate, and reasonable for the
13 Aggrieved Employees as defined in Exhibit 1 attached to the Declaration of
14 Thomas D. Rutledge filed in support of the foregoing application.

- 15 • The settlement was reached through arm’s-length
16 bargaining (not through fraud or collusion);
17 • Plaintiffs’ Counsel’s investigations and discovery were
18 sufficient to allow Plaintiffs’ Counsel and the Court to
19 act intelligently;
20 • Plaintiffs’ Counsel, Thomas D. Rutledge, is well
21 experienced in employee representative action
22 litigation;
23 • The case was complex and there was a certain
24 amount of risk of appeals after lengthy litigation if the
25 case did not resolve in the manner in which it
26 resolved; and
27 • The settlement amount represents a fair and
28 reasonable settlement of the claims asserted in

1 relationship to the potential risks of continuing to
2 litigate the matter.

3 The Court further finds that the requested attorneys' fees, costs, and
4 litigation expenses are reasonable.

5 Accordingly, IT IS FURTHER ORDERED as follows:

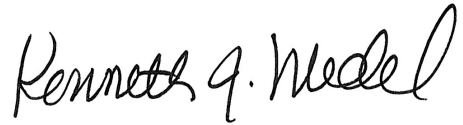
6 1. The Court approves the settlement of the above-captioned action
7 as set forth in the Settlement Agreement and each of its releases and other
8 terms, as fair, just, reasonable, and adequate.

9 2. The parties shall comply with all aspects of the Settlement
10 Agreement, a copy of which is attached hereto as Exhibit 1 and incorporated
11 herein as reference as though set forth in full herein.

12 3. The Court hereby enters a Judgment in this case in accordance
13 with the terms of the Settlement Agreement and this case is dismissed with
14 prejudice within 60 days from the date of this order.

15 **IT IS SO ORDERED.**

16
17 Dated: 12/1/2022



Hon. Kenneth J. Medel
Judge of the Superior Court of
California
County of San Diego