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VENTURA
SUPERIOR COURT
FILED

APR 22 2022

BRENDA V. McCORMICK
Executive Officer and Clerk
By: _____, Deputy

RACHEL JACOBS

7 Attorneys for Plaintiff Nancy Taylor, on behalf of herself and all "aggrieved employees" pursuant
8 to Labor Code § 2698 et seq.

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF VENTURA**

11
12 NANCY TAYLOR, on behalf of herself
and all "aggrieved employees" pursuant to
13 Labor Code § 2698 et seq.,

14 Plaintiffs,

15 v.

16 MINER'S ACE HARDWARE, INC., a
California corporation, and DOES 1
17 through 10, inclusive,

18 Defendants.

CASE NO: 56-2021-00558252-CU-OE-VTA

*Assigned to the Honorable Mark Borrell,
Department 40*

**[AMENDED PROPOSED] ORDER
APPROVING SETTLEMENT OF CLAIMS
BROUGHT PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS' FEES, COSTS,
GENERAL RELEASE PAYMENT, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES, AND
DISMISSING ACTION WITH PREJUDICE**

Date: April 15, 2022

Time: 8:30 a.m.

Dept.: 40

Reservation #2627816

Complaint Filed: September 22, 2021

Trial Date: None

24
25 Plaintiff Nancy Taylor's ("Plaintiff") Unopposed Motion for an Order: (1) granting
26 approval of the proposed settlement of claims brought pursuant to the Private Attorneys General
27 Act of 2004 (Cal. Labor Code § 2698 et seq.) ("PAGA") set forth in the parties' Private Attorneys
28 General Act (Labor Code § 2698 et seq.) Settlement Agreement ("Settlement Agreement"); (2)

1 appointing Phoenix Settlement Administrators and approving payment of its fees not to exceed
2 \$10,000 from the Gross Settlement Amount; (3) directing disbursement of the Gross Settlement
3 Amount pursuant to the terms of the Settlement Agreement; (4) directing payment of attorneys'
4 fees and litigation costs from the Gross Settlement Amount in the amount of \$82,355.80 to
5 Plaintiff's counsel; (5) directing payment of a general release payment from the Gross Settlement
6 Amount in the amount of \$7,500 to Plaintiff; and (6) dismissing this action with prejudice came on
7 for hearing before this Court in Department 40, the Honorable Mark Borrell presiding, on April 15,
8 2022. Appearances were noted on the record.

9 Having reviewed the Settlement Agreement and duly considered the parties' papers and oral
10 argument, and good cause appearing,

11 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

12 1. All terms used herein shall have the same meaning as defined in the Settlement
13 Agreement.

14 2. This Court has jurisdiction over the claims of the Aggrieved Employees and the
15 State of California asserted in this proceeding and over all parties to the Action.

16 3. The Court finds that the Settlement was entered into in good faith, that the
17 Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and
18 applicable requirements for approval of PAGA representative actions under California law. The
19 Court finds that the Gross Settlement Amount of \$225,000 represents a fair compromise of the
20 claims alleged in the Action, considering the maximum potential value of the claims asserted and
21 the risks inherent in further litigation.

22 4. The Court has considered the authorities and evidence presented by Plaintiff and
23 based thereon hereby approves the following awards and deductions from the Gross Settlement
24 Amount:

25 a. To Plaintiffs' counsel, Gaines & Gaines, APLC, an award of \$75,000 in
26 attorneys' fees and \$7,355.80 in costs. The Court finds that these amounts are fair and
27 reasonable and commensurate with applicable California law.
28

b. To Plaintiff Nancy Taylor, a general release payment of \$7,500. The Court finds that the general release provided by Plaintiff in the Settlement Agreement justifies this payment.

c. To Phoenix Class Action Administration Services, the settlement administrator, a payment of up to \$10,000 to administer the Settlement through its conclusion, including disbursement of the Gross Settlement Amount and all tax reporting associated therewith.

5. The amount remaining of the Gross Settlement Amount following these deductions is the Net Settlement Amount of approximately \$125,144.20. The Net Settlement Amount shall be distributed 75% to the Labor and Workforce Development Agency and 25% to the Aggrieved Employees.

6. 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.

7. The Action is hereby DISMISSED WITH PREJUDICE.

8. After entry of this Order, pursuant to California Code of Civil Procedure section 664.6, the Court shall retain jurisdiction of the Action to construe, interpret, implement, and enforce the Settlement Agreement and this Order.

IT IS SO ORDERED.

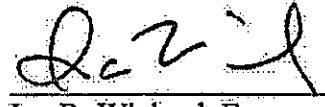
Dated: 4.20.22


HON. MARK BORRELL
JUDGE OF THE SUPERIOR COURT

REVIEWED AND APPROVED:

Dated: 4/15/2022

SAGASER, WATKINS & WIELAND PC

By 

Ian B. Wieland, Esq.
Attorneys for Defendant

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PROOF OF SERVICE AND CERTIFICATION

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301

____ (For messenger) my business address is:

On April 15, 2022, I served the foregoing document described [AMENDED PROPOSED] ORDER APPROVING SETTLEMENT OF CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT OF 2004, AWARDING ATTORNEYS FEES, COSTS, GENERAL RELEASE PAYMENT, AND REIMBURSEMENT OF SETTLEMENT ADMINISTRATION EXPENSES AND DISMISSING ACTION WITH PREJUDICE on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Ian B. Wieland, Esq.
SAGASER, WATKINS & WIELAND PC
5260 N. Palm Ave. Ste. 400
Fresno, CA 93704

___X___ (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more that one day after date of deposit for mailing in affidavit.

____ (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.

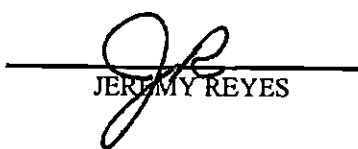
____ (BY FACSIMILE TRANSMISSION) On _____, at _____, at Calabasas, California, I served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the telephone number(s) of the receiving facsimile machine was (916) 920-4402. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

____ (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.

____ (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the LWDA.

____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission via email on the counsel of record listed above.

I certify that the above document was printed on recycled paper.
I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 15, 2022, at Calabasas, California.


JEREMY REYES

RECEIVED
VENTURA SUPERIOR COURT
APR 15 2022. DV