

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order: Tuan Hoang
2. Title of the proposed order: Judgment Approving PAGA Settlement
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion for Approval of PAGA Settlement
 - b. Date and time: April 26, 2023 at 1:30 p.m.
 - c. Place: Santa Clara County Superior Court - Dept. 19
4. The proposed order was served on the other parties in the case.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME: TUAN HOANG, et al v. MDC VACUUM PRODUCTS, LLC, et al.

CASE NUMBER:
21CV376678**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

The Spivak Law Firm
1801 Century Park East ,25th Fl
Los Angeles, CA 90067

b. My electronic service address is (*specify*):

emily@spivaklaw.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

Donald P. Sullivan, Esq., Attorney for MDC Vacuum Products LLC

b. To (*electronic service address of person served*): Donald.Sullivan@jacksonlewis.com

c. On (*date*): January 23, 2023

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 23, 2023

Emily Hounq Ly

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

SHORT TITLE: TUAN HOANG, et al v. MDC VACUUM PRODUCTS, LLC, et al.

CASE NUMBER:
21CV376678**ATTACHMENT TO PROOF OF ELECTRONIC SERVICE (PERSONS SERVED)***(This attachment is for use with form POS-050/EFS-050.)***NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:****Name of Person Served****Electronic Service Address****Date of Electronic Service***(If the person served is an attorney,
the party or parties represented should
also be stated.)*Janelle J. Sahouria, Esq., Attorney
for MDC Vacuum Products LLC

janelle.sahouria@jacksonlewis.com

Date: January 23, 2023

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

1 DAVID G. SPIVAK (SBN 179684)
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7 Attorneys for Plaintiff(s),
8 TUAN HOANG, and all others similarly situated
9 (Additional attorneys for parties on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SANTA CLARA**
12 **(UNLIMITED JURISDICTION)**

13 TUAN HOANG, on behalf of himself and all
14 others similarly situated, and the general public,

15 *Plaintiff,*

16 vs.

17
18 MDC VACUUM PRODUCTS LLC, a Delaware
limited liability company; and DOES 1–50,
19 inclusive,

20 *Defendants.*
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Case No. 21CV376678

**[PROPOSED] ORDER AND
JUDGMENT APPROVING PAGA
SETTLEMENT**

Hearing Date: April 26, 2023
Hearing Time: 1:30 p.m.
Hearing Dept.: 19, The Honorable
Theodore C. Zayner

Action filed: March 01, 2021



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TUAN HOANG, and all others similarly situated



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1 Having considered the Parties' PAGA Settlement Agreement ("Agreement" or "PAGA
2 Settlement"), IT IS HEREBY ORDERED THAT:

3 1. To the extent required by Labor Code § 2699(l), the Settlement and its terms
4 represent a reasonable and adequate settlement of highly disputed claims to Plaintiff, the "PAGA
5 Employees" (as the term is defined in the PAGA Settlement), the State of California, Plaintiff's
6 counsel, and Defendant, and is approved.

7 2. Defendant shall pay the "Gross Settlement Amount" (as the term defined in the
8 Settlement) in the amount of \$480,000.00. The Gross Settlement Amount includes: (a) Attorney
9 fees in the amount of \$160,000.00 and litigation costs in the amount of \$10,589.48; (b) "PAGA
10 Penalty Fund" (as the term defined in the PAGA Settlement) payable to the PAGA Settlement
11 Employees and the Labor and Workforce Development Agency ("LWDA"); and (c)
12 Administration Costs of \$10,000.00 to administer the settlement, in accordance with the
13 procedure as mentioned in the Settlement.

14 3. The allocation of the Settlement payment among the Plaintiff, the PAGA
15 Settlement Employees, the State of California, the Settlement Administrator and Plaintiff's
16 counsel is fair, just, reasonable, adequate, and equitable to all concerned, and is approved to the
17 extent required under Labor Code § 2699(l).

18 4. The settlement is approved on the terms stated in the Settlement.

19 5. Judgment in this matter is entered in accordance with, and incorporates by
20 reference, the terms and conditions of the Settlement. Instead of filing a request for dismissal to
21 terminate this action, this judgment will terminate the action.

22 6. The Settlement is not an admission by Defendant, or any of the "Released Parties"
23 (as the term is defined in the Settlement), nor is this judgment a finding of the validity of any
24 allegations or of any wrongdoing by Defendant or the Released Parties. Neither this judgment,
25 the Settlement, nor any document referred to therein, nor any action taken to carry out the
26 Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing,
27 omission, concession, or liability whatsoever by or against Defendant or the Released Parties.

28 7. The PAGA Settlement shall be binding on Plaintiff, all PAGA Employees, and the



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1 State of California, who are hereby barred from re-litigating any of the claims released by the
2 Settlement.

3 8. Pursuant to Code of Civil Procedure section 664.6 the Court shall retain exclusive
4 and continuing jurisdiction over the above-captioned action and the parties for purposes of
5 enforcing the terms of the PAGA Settlement.

6 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

7
8 **DATE** **THE HONORABLE THEODORE C. ZAYNOR,**
9 **JUDGE OF THE SUPERIOR COURT**



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25 EMPLOYEE RIGHTS

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