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Filed SEP 27 2022

BRANDON E. RILEY, CLERK

By *Brandon E. Riley*
DEPUTY

BY FAX

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN JOAQUIN**

14 **MICHAEL GIBSON**, as an individual and
15 on behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 **SOUTHWEST TRADERS**
19 **INCORPORATED**, a California
20 corporation; and DOES 1 through 50,
21 inclusive,

22 Defendants.

Case No.: STK-CV-UOE-2020-10620-

(Assigned to the Honorable Erin Guy Castillo,
Dept. 10B)

ERC
**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
SETTLEMENT AGREEMENT PURSUANT TO
THE PRIVATE ATTORNEY GENERAL ACT
AND JUDGMENT THEREON**

Date: September 27, 2022;
~~September 28, 2022;~~
~~September 29, 2022;~~
~~September 30, 2022; or~~
~~October 3, 2022~~

Time: 9:00 a.m.

Dept.: 10B

~~Ed~~
~~[PROPOSED] ORDER~~

Plaintiff Michael Gibson's ("Plaintiff") Motion for an Order to Approve Settlement Agreement Pursuant to the Private Attorneys General Act, Labor Code § 2698 *et seq.* came on regularly for hearing. Appearing at the hearing were Larry W. Lee and Max W. Gavron of Diversity Law Group, and Christopher W. Olmsted and Jennifer P. Suberlak of Ogletree, Deakins, Nash, Smoak & Steward for Defendant Southwest Traders Incorporated ("Defendant") (Plaintiff and Defendant collectively, the "Parties").

The Court has considered the 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, Labor Code § 2698 *et seq.* is granted. The Court finds that the Settlement is fundamentally fair, reasonable, and adequate, and consistent with the purpose of PAGA; that Plaintiff has fairly and adequately protected the interests of the members of the PAGA Representative Group; and that Plaintiff's Counsel are qualified to serve as counsel for the Plaintiff in his individual and representative capacity and for the aggrieved employees.

2. The Parties are hereby ordered to carry out the terms of the Settlement Agreement. Defendant is hereby ordered to: (1) deposit the first installment of \$26,666.67 within seven (7) calendar days after the Court grants Plaintiff's Motion for Approval; and (2) every month thereafter until the Gross Settlement Amount is fully funded.

3. Pursuant to Labor Code § 2699(i) and within thirty (30) calendars of receiving the final payment of the Gross Settlement Amount, the Settlement Administrator shall distribute the Gross Settlement Amount, as follows:

- \$168,000.00 to Plaintiff's counsel as Attorneys' Fees;
- \$8,671.24 to Plaintiff's counsel as Costs;
- \$7,500.00 to the Settlement Administrator;
- \$10,000.00 to Plaintiff as the enhancement award;

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- The remainder, or the PAGA Penalty Fund, after the above deductions shall be distributed 75% to the Labor Workforce Development Agency and 25% to the Aggrieved Employees based on the formula set forth in the Settlement Agreement.

4. The Court hereby grants approval of the Settlement in accordance with the terms of the Settlement and this Order. Without affecting the finality of the Settlement or Judgment entered separately, this Court shall retain exclusive and continuing jurisdiction over the action and the Parties for purposes of enforcing and interpreting this Order and the Settlement.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

DATED: 9/27/22



Honorable Erin Guy Castillo
Judge of the Superior Court of California