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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN DIEGO**

10 **(UNLIMITED JURISDICTION)**

11 SIMONETTE VILLENA, on behalf of herself and
12 all others similarly situated, and the general
13 public,

14 *Plaintiff,*

15 vs.

16 MIDWAY VENTURE LLC, a California limited
liability company; PETER BALOV, an
17 individual; and DOES 1–50, inclusive,

18 *Defendants.*
19

Case No. 37-2021-00005970-CU-OE-CTL

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

RESERVATION: 2883081

Hearing Date: January 6, 2023
Hearing Time: 1:30 p.m.
Hearing Dept.: C-72, The Honorable
Timothy Taylor

Action filed: February 09, 2021
Trial Date: October 14, 2022



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1 Having considered the Parties' Settlement and Release Agreement ("Agreement" or
2 "PAGA 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 \$99,000.00. The Gross Settlement Amount includes: (a) Attorney
9 fees in the amount of \$33,000.00 and litigation costs in the amount of \$9,590.65; (b) "PAGA
10 Penalty Fund" (as the term defined in the PAGA Settlement) in the amount of \$26,709.35 payable
11 to the PAGA Settlement Employees and the Labor and Workforce Development Agency
12 ("LWDA"); and (c) Administration Costs of \$4,700.00 to administer the settlement, in accordance
13 with the 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
State of California, who are hereby barred from re-litigating any of the claims released by the
Settlement.



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

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

5 DATED: _____

6 **THE HONORABLE TIMOTHY TAYLOR**
7 **JUDGE OF THE SUPERIOR COURT**



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