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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO
(UNLIMITED JURISDICTION)

SIMONETTE VILLENA, on behalf of herself
and as an “aggrieved employee” on behalf of
other “aggrieved employees” under the Labor
Code Private Attorneys General Act of 2004,

Plaintiff,

vs.

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

Defendants.

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

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



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1 Having considered the Parties' the First Amended Settlement and Release Agreement
2 ("Agreement" or "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
5 "Aggrieved Employees" (as the term is defined in the First Amended Settlement and Release
6 Agreement), the State of California, Plaintiff's 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 \$74,000.00. The Gross Settlement Amount includes: (a) Attorney
9 fees in the amount of \$24,666.67 and litigation costs in the amount of \$9,943.64; (b) "PAGA
10 Penalty Fund" (as the term defined in the First Amended Settlement and Release Agreement)
11 payable to the Aggrieved Employees and the Labor and Workforce Development Agency
12 ("LWDA"); and (c) Settlement Administration Expenses of \$4,700.00 to administer the
13 settlement, in accordance with the procedure as mentioned in the Settlement.

14 3. The allocation of the Settlement payment among the Plaintiff, the Aggrieved
15 Employees, the State of California, the Administrator and Plaintiff's counsel is fair, just,
16 reasonable, adequate, and equitable to all concerned, and is approved to the extent required under
17 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 First Amended Settlement and Release Agreement shall be binding on
Plaintiff, all Aggrieved 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 First Amended Settlement and Release Agreement.

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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