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Attorneys for Plaintiff Alex Vargas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ALEX VARGAS individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

HOLLYWOOD MOTOR CARS, LLC, a limited
liability company; and DOES 1 through 10,
inclusive,

Defendants

Case No. 20STCV46625

*[Assigned for all purposes to Hon. Carolyn B.
Kuhl. Department 12]*

**~~[PROPOSED]~~ ORDER AND JUDGMENT
GRANTING PLAINTIFF'S MOTION TO
APPROVE SETTLEMENT AGREEMENT
AND RELEASE OF PAGA CLAIMS
PURSUANT TO LABOR CODE SECTION
2698 ET SEQ.**

Date: October 10, 2022
Time: 01:45 p.m.

FILED
Superior Court of California
County of Los Angeles

10/10/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: L. M'Greené Deputy

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1 5. The Settlement is not an admission by Defendant as defined below, nor is this
2 Order a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither
3 this Order, the Settlement, nor any document referred to herein, nor any action taken to carry
4 out the Settlement, may be used as an admission of any fault, wrongdoing, omission,
5 concession, or liability whatsoever by or against Defendant.

6 6. Defendant shall pay the PAGA Members, Plaintiff's Counsel, the Labor and
7 Workforce Development Agency ("LWDA"), and the Settlement Administrator pursuant to
8 the terms of the Settlement:

- 9 a. Actual administration costs of up to \$6,880.00, payable to the Settlement
10 Administrator ILYM Group for administration of the Settlement;
11 b. Attorneys' fees to Plaintiff's Counsel in the amount of \$50,000.00 (33 1/3%);
12 c. Reimbursement for actual costs incurred by Plaintiff's Counsel in the amount
13 of \$12,301.01; and
14 d. \$5,000 to the named Plaintiff in exchange for his general release.

15 a. The remaining amount to the PAGA Fund, which shall be allocated as set
16 forth in Labor Code § 2699(d), with 75% allocated to the LWDA, and the remaining 25% to the
17 PAGA Members on a pro-rata basis Aggrieved Employees shall have 180 calendar days after the
18 date the PAGA Packet is mailed to them to cash their settlement payment checks. If any
19 Aggrieved Employee's check is not cashed within that period, the settlement payment check will
20 be voided and a stop-payment will be issued. Neither Defendant, Defendant's counsel, Plaintiff,
21 nor PAGA Counsel will have any liability for lost or stolen settlement payment checks, forged
22 signatures on settlement payment checks, unauthorized negotiation of settlement payment checks
23 or failure to timely cash a settlement payment check within the 180 day period. Any unpaid cash
24 residue or unclaimed Aggrieved Employee funds, plus any accrued interest that has not otherwise
25 been distributed pursuant to order of the Court, shall be transmitted to California State Controller's
26 Office for Unclaimed Property in the name of each Aggrieved Employee who failed to cash their
27 Individual PAGA Payment prior to the void date.

1 7. “Effective Date” refers to the date the Court enters an order approving this
2 Agreement.

3 8. Defendant shall deposit the Total Settlement Payment to the settlement
4 administrator within 14 days of Court approval.

5 9. The Court hereby confirms Kane Moon, Allen Feghali, and Enzo Nabiev of
6 Moon & Yang, APC as PAGA Counsel.

7 10. The Court finds that the fees requested by Plaintiff’s Counsel of \$50,000.00 (33
8 1/3%) of the total settlement amount is reasonable, and the costs requested of up to
9 \$15,000.00 were reasonable and necessary for the prosecution of this action. The Court
10 hereby awards attorney’s fees in the amount of \$50,000.00 and costs in the amount of
11 \$12,301.01 to Plaintiff’s Counsel for their attorneys’ costs. The payment of fees and costs to
12 Plaintiff’s Counsel shall be made in accordance with the terms of the Settlement.

13 11. The Court approves of the proposed letter ~~attached to the Stipulation as Exhibit~~
14 ~~posted on Case Anywhere by Plaintiff’s counsel this date.~~
~~D to be sent to PAGA Members along with their respective settlement check.~~

15 12. This action is dismissed with prejudice.

16 13. Plaintiff shall submit a copy of this Order and Judgment to the LWDA within
17 ten calendar days after entry of the Order and Judgment.

18 14. This Court shall retain jurisdiction, pursuant to C.C.P. section 664.6, over this
19 action, the Parties, and the PAGA Settlement Members to the fullest extent necessary to
20 interpret, enforce, and effectuate the terms and intent of the Settlement and this Order and
21 Judgment.

A final report of the Administrator shall be file by June 20, 2023.

22 15. ~~The Court sets a status conference re: final accounting for _____, 2022. At~~
23 ~~least nine court days prior to the hearing, Plaintiff shall submit a final report including the~~
24 ~~actual amounts paid to aggrieved employees, the other amounts distributed under the~~
25 ~~settlement, and the amounts tendered to the Unclaimed Property Division~~

26 16. The court does not approve the language of paragraph 31b or of the last sentence of paragraph
27 35c of the Settlement Agreement.

28 **IT IS SO ORDERED.**



Carolyn B. Kuhl

DATED: 10/10/2022

Carolyn B. Kuhl / Judge
HON. CAROLYN B. KUHL

LOS ANGELES COUNTY SUPERIOR COURT

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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3) ss
4 COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1055 West Seventh Street, Suite 1880,
7 Los Angeles, California 90017. On August 24, 2022, I served the foregoing document described
8 as:

9 **[PROPOSED] ORDER AND JUDGMENT GRANTING PLAINTIFF'S MOTION TO**
10 **APPROVE SETTLEMENT AGREEMENT AND RELEASE OF PAGA CLAIMS**
11 **PURSUANT TO LABOR CODE SECTION 2698 ET SEQ.**

12 X by placing ___ the original X a true copy thereof enclosed in sealed envelope(s)
13 addressed as follows:

14 DAVID REESE
Dreese@employerlawyers.com
ROBERT VARGAS
Rlopez@employerlawyers.com
15 **FINE, BOGGS & PERKINS**
16 111 West Ocean Boulevard, Suite 2400
Long Beach, California 90802

17 *Attorneys for Defendant*
18 *Hollywood Motor Cars, LLC*

19 ☒ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to
20 accept electronic service, I caused the documents to be sent to the persons at the
21 electronic service addresses listed above via third-party cloud service
22 CASEANYWHERE.

23 X (State) I declare under penalty of perjury under the laws of the State of
24 California that the above is true and correct.

25 Executed on August 24, 2022, at Los Angeles, California.

26 Janelle Jickain
27 Name

28 
Signature