

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

Juan Rebulloza
Plaintiff/Petitioner(s)
VS.
Acosta Employee Holdco LLC
Defendant/Respondent(s)

No. RG21087775
Date: 03/17/2022
Time: 1:30 PM
Dept: 517
Judge: Somnath Raj Chatterjee

ORDER re: Hearing on Motion - Other
Motion to Approve PAGA
Settlement

Prior to the hearing, the Court issued a tentative ruling, which was uncontested and is affirmed as set forth below:

The Motion re: Notice of Motion and Motion to Approve PAGA Settlement Pursuant to the Private Attorney General Act of 2004; Memorandum of Points and Authorities in Support Thereof filed by Juan Rebulloza on 02/23/2022 is Granted.

Plaintiff Juan Rebulloza moves for court approval of the agreement to settle claims against Defendant Acosta Employee Holdco LLC. (“Defendant” or “Acosta”). As a PAGA plaintiff, Rebulloza seeks only those civil penalties owed to and collectable by the Labor and Workforce Development Agency (“LWDA”) pursuant to the Labor Code Attorneys General Act of 2004 (“PAGA”) (Labor Code §§ 2698 et seq.).

The settlement was mediated with the assistance of an experienced wage and hour mediator, Marc Feder. The court gives “considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in [concluding] that [the] settlement agreement represents an arm’s length transaction entered without self-dealing or other potential misconduct.” (Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 129; see also In re Sutter Health Uninsured Pricing Cases (2009) 171 Cal.App.4th 495, 504.)

Plaintiff has advised that Defendant employed approximately 1,046 PAGA Members between January 28, 2020, and the date of this Court’s settlement approval. The Court finds that the proposed gross settlement payment of \$525,000.00 is fair, reasonable and adequate.

The Court has considered the relative strength of the plaintiffs’ case; the risk, expense, complexity, and likely duration of further litigation of this dispute; the amount offered in settlement; the stage of the proceedings; and the experience and views of counsel that settlement is reasonable.

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The Court APPROVES the Gross Settlement Amount by Defendant Acosta Employee Holdco LLC ("Defendant") of \$525,000. Of this amount, the Court APPROVES the PAGA Fund of \$321,613.80 from which: (i) \$241,210.35 (75%) shall be paid to the California Labor and Workforce Development Agency ("LWDA"), and (ii) \$80,403.45 (25%) shall be paid to all PAGA Members to be distributed on a proportionate basis.

The Court APPROVES ILYM Group, Inc. as the Settlement Administrator. The Court finds payment of \$7,500 is fair and reasonable and ORDERS the Administrator to make payment to itself in accordance with the Settlement Agreement.

The Court GRANTS plaintiff's counsel's request for attorneys' fees. Based on the Gross Settlement Amount, the Court finds that 33% of the amount is reasonable under the circumstances. Therefore, the Court APPROVES and awards PAGA Counsel, Bokhour Law Group, P.C., counsel of record for named Plaintiff, Juan Rebulloza ("Plaintiff") and co-counsel, Falakassa Law, P.C, attorneys' fees of \$175,000.00.

The Court has reviewed and GRANTS an award of \$10,886.20 to counsel as compensation for litigation costs, which reflect the parties' costs as of the filing of this motion. (Bokhour Decl. ¶ 25.)

The Court has reviewed and APPROVES an Enhancement Award of \$10,000 to Plaintiff, Juan Rebulloza. This amount constitutes reasonable compensation given the risks undertaken, his service as the PAGA representative, and the general release of his underlying individual claims with respect to Defendant, in addition to any payment he may otherwise receive as a PAGA Member.

The Defendant shall have no further liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or liability, except as provided in the Settlement Agreement. Aggrieved Employees (as defined in the Settlement Agreement) fully release and discharge Defendant Acosta Employee Holdco LLC along with the Released Parties, of the representative claims for civil penalties pursuant to the terms set forth in the Settlement Agreement.

Defendant is hereby ordered to provide the Settlement Administrator with a list of the names, addresses and number of pay periods/paychecks issued to each of the PAGA Settlement Members during the PAGA Period within ten (10) days after this Order approving the Settlement. The contact information shall be confidentially provided to the Settlement Administrator only, and the Settlement Administrator shall treat the information as private and highly confidential and take all necessary precautions to maintain the confidentiality of contact information of the PAGA Settlement Members.

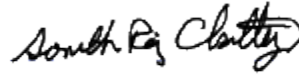
Pursuant to California Code of Civil Procedure § 664.6, and the terms of the Settlement Agreement, the Court shall retain continuing jurisdiction over the Parties, and over this Settlement, in order to: (i) monitor and enforce compliance of Settlement, and/or (ii) resolve any disputes over this Settlement or the administration of the benefits of this Settlement.

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Pursuant to California Labor Code § 2699(1)(3), a copy of this Order shall be submitted to the LWDA within 10 days after entry of this Order.

Dated: 03/17/2022

A handwritten signature in black ink, appearing to read "Somnath Raj Chatterjee". The signature is fluid and cursive, with the first name "Somnath" and last name "Chatterjee" clearly distinguishable.

Somnath Raj Chatterjee / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Hayward Hall of Justice 24405 Amador Street, Hayward, CA 94544	FILED Superior Court of California County of Alameda 03/21/2022
PLAINTIFF/PETITIONER: Juan Rebulloza	Chad Finke, Executive Officer / Clerk of the Court By: <u>K. Ortega</u> Deputy
DEFENDANT/RESPONDENT: Acosta Employee Holdco LLC	K. Ortega
CERTIFICATE OF MAILING	CASE NUMBER: RG21087775

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Hayward, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Mehrdad Bokhour
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Los Angeles, CA 90067-

Michael D Thomas
JACKSON LEWIS LLC
725 South Figueroa Street
#2500
Los Angeles, CA 90017-5408

Dated: 03/21/2022

Chad Finke, Executive Officer / Clerk of the Court

By:

Chad Finke, Executive Officer / Clerk of the Court

K. Ortega, Deputy Clerk

CERTIFICATE OF MAILING