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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 LINZI JULIANO,

14 Plaintiff,
15 vs.

16 Defendants MOUNT ST. MARY'S
17 UNIVERSITY, a California Corporation dba
18 GEENA DAVIS INSTITUTE ON GENDER
19 IN MEDIA dba SEE JANE; CAROLINE
20 HELDMAN, an individual; ELIZABETH
21 KILPATRICK an individual, and DOES 1
22 through 10 inclusive,

23 Defendants.

CASE NO. 21STCV41842

**PLAINTIFF'S MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT
OF MOTION FOR COURT APPROVAL OF
PAGA SETTLEMENT AND DISMISSAL OF
THE ACTION**

[Filed concurrently with Notice of Motion]

Date: December 21, 2021
Time: 8:30 a.m.
Dept. No. 72

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND STATEMENT OF FACTS

From April 4, 2016 to July 19, 2020, Plaintiff Linzi Juliano (“Plaintiff”) worked as a researcher for Mount Saint Mary’s University, doing business as the Geena Davis Institute on Gender in Media and See Jane (“Defendants”). On September 23, 2020, Plaintiff sent Defendant a demand letter outlining her potential claims against Defendant, including claims for wrongful termination, retaliation and Labor Code violations. As part of early settlement discussions, Plaintiff also provided Defendants with a draft of the complaint she intended to file, which included six claims for individual violations against Plaintiff and one claim for violations under the PAGA statute.

On April 27, 2021, Plaintiff and Defendants attended a prelitigation mediation with Michael Roberts. The Parties had further arm’s length settlement negotiations and, on June 7, 2021, reached a preliminary settlement. The parties also entered into an agreement tolling the applicable statutes of limitations to Plaintiff’s claims from June 7, 2021 through the date of performance of all of the settlement terms.

The Parties now seek, and the Plaintiff has brought the present motion to obtain, Court approval under California Labor Code section 2699(l)(2) of the settlement and Agreement and to allow for the dismissal of the action pursuant to its terms.

II. THE PRIVATE ATTORNEYS GENERAL ACT

California’s Private Attorneys General Act of 2004 (“PAGA”), Lab. Code § 2698 *et seq.*, authorizes an employee to bring an action for civil penalties on behalf of the state against his or her employer for Labor Code violations committed against the employee and his or her fellow employees. (*Iskanian v. CLS Transp. L.A., LLC* (2014) 59 Cal.4th 348, 360.)

The PAGA was enacted to correct two perceived flaws in California’s Labor Code enforcement scheme. (*Id.* at 378-79.) The first flaw was that civil penalties were not available to redress violations of some provisions of the Labor Code. (*Id.* at 378.) The second flaw the PAGA addressed was that, even where the Labor Code provided for civil penalties, “there was a shortage of government resources to pursue enforcement.” (*Id.*) Thus, to compensate for the lack of “[a]dequate financing of essential labor law enforcement functions,” the Legislature enacted the PAGA to permit aggrieved employees

1 to act as private attorneys general to collect civil penalties for violations of the Labor Code. (*Caliber*
2 *Bodyworks, Inc. v. Superior Court* (2005) 134 Cal.App.4th 365, 372 fn. 6.)

3 The employee bringing a PAGA action does so as an aggrieved party, on behalf of himself or
4 herself and other current or former employees. (Lab. Code § 2699(a).) Plaintiff brought this action as
5 an aggrieved party both for herself and other current and former employees under Labor Code § 2698
6 *et seq.*, alleging PAGA claims in her sixth cause of action.

7 **III. GOOD CAUSE EXISTS FOR COURT APPROVAL OF THE SETTLEMENT AND**
8 **DISMISSAL OF THE ACTION**

9 California Labor Code section 2699(1)(2), states in relevant part:

10 The superior court shall review and approve any settlement of any civil
11 action filed pursuant to this part. The proposed settlement shall be submitted
to the agency at the same time that it is submitted to the court.¹

12 (Lab. Code § 2699(1)(2).)

13 In the instant case, the maximum number of aggrieved employees is 28. The parties have also
14 agreed to allocate ten thousand dollars (\$10,000.00) to Plaintiff's sixth cause of action alleging
15 violation of the PAGA. Given the limited number of employees, Defendant's additional remedial
16 measures involving direct payments to employees, and that Plaintiff's complaint (and six out of the
17 seven causes of action) primarily seeks relief for Plaintiff's individual claims, the parties' agreed-upon
18 allocation of settlement proceeds is fair and reasonable.

19 **IV. RELIEF REQUESTED**

20 The parties request the following relief in accordance with the Parties' Stipulation.

- 21 1. Approval of the PAGA settlement as to Plaintiff and a mutual release of associated
22 costs pursuant to Labor Code section 2699(1)(2); and
- 23 2. Dismissal of the action.

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26 ¹ Plaintiff submitted a copy of this application to the LWDA pursuant to Labor Code section
27 2699(1)(2) on November 29, 2021 and at the same time this motion was filed with the Court.

1 **VI. CONCLUSION**

2 For the reasons stated above and the supporting documentation submitted in support of this
3 motion, Plaintiff respectfully submits that good cause exists for entry of the proposed order and
4 requests that the Court grant the relief requested herein. Should the Court grant the present motion,
5 Plaintiff will submit a copy of the Court's Order approving the settlement and dismissing this action
6 to the LWDA within ten (10) days after its entry.

7 DATED: November 29, 2021

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11 Attorneys for Plaintiff
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