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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN JOAQUIN

11 OSCAR MAGANA, as an aggrieved employee
pursuant to the Private Attorneys General Act
12 ("PAGA"), on behalf of the State of California
and other aggrieved employees,

13 Plaintiff,

14 vs.

15 A & A READY MIXED CONCRETE, INC., a
16 California corporation; ASSOCIATED READY
MIXED CONCRETE, INC., a California
17 corporation; and DOES 1 through 10, inclusive,

18 Defendants.
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Filed NOV 22 2023
STEPHANIE BOHRER, CLERK
By JESSICA CAYO
DEPUTY

Case No. STK-CV-UOE-2021-0003911

Assigned to the Hon. Robert T. Waters

~~PROPOSED~~ ORDER APPROVING THE
PARTIES' SETTLEMENT OF CLAIMS
BROUGHT PURSUANT TO THE LABOR
CODE PRIVATE ATTORNEYS GENERAL
ACT OF 2004 ("PAGA") AND JUDGMENT

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1 approved settlement when the Settlement Administrator sends the Aggrieved Employees their share of
2 the settlement. The Court approves the notice attached as Exhibit A to the Settlement Agreement.

3 8. The Court hereby awards \$153,333 in attorneys' fees and \$20,576.15 costs to Plaintiff's
4 Counsel, Capstone Law APC.

5 9. The Court approves a Service Award of \$10,000 to Oscar Magana.

6 10. The Court appoints CPT Group, Inc. to serve as the Settlement Administrator and
7 approves costs of administration not to exceed \$6,000.

8 11. This Judgment shall be binding on all Aggrieved Employees, including Plaintiff, and the
9 State of California, who are hereby barred by the doctrine of res judicata from re-litigating the Settled
10 Claims during the Settlement Period:

11 All claims for civil penalties under the PAGA that were alleged, or reasonably
12 could have been alleged, based on the facts alleged in the Action, including PAGA
13 civil penalty claims for: (a) failure to pay wages, including unpaid minimum
14 wages and overtime premium pay; (ii) failure to provide meal and/or rest periods
15 in accordance with applicable law, including payments for meal and/or rest
16 periods; (iii) unreimbursed business expenses; (iv) failure to timely pay wages,
17 both during employment and upon termination of employment; (v) failure to
18 provide accurate itemized wage statements; (vi) failure to maintain payroll
19 records; and (vii) failure to provide safety devices and safeguards, such as personal
protective equipment arising during the Settlement Period. The Released Claims
specifically include claims meeting the above definitions under the following
statutes: California Labor Code §§ 201, 202, 203, 204, 210, 226, 226.3, 226.7, 256,
510, 512, 516, 558, 1174, 1174.5, 1182.12, 1194, 1197, 1198, 2802, 6401, and
6403. The approval of this Settlement by the Court bars all Aggrieved Employees
from bringing any of the Released Claims in any future proceeding and from
participating in any other proceeding seeking penalties under PAGA for the
Released Claims.

20 *See Arias v. Superior Court*, 46 Cal. 4th 969, 986 (2009) (holding that a judgment in a representative
21 action brought by an aggrieved employee under PAGA is binding not only on the named employee
22 plaintiff but also on state labor law enforcement agencies and any aggrieved employee not a party to the
23 proceeding).

24 12. The Court approves the deadlines set forth in the Settlement Agreement for
25 administration of the Settlement.

26 13. In light of the approval of this Settlement, which resolves this litigation in its entirety,
27 this matter is hereby dismissed with prejudice. Without affecting the finality of the Order and Judgment,
28 the Court shall retain exclusive and continuing jurisdiction under California Code of Civil Procedure §

664.6, over the above-captioned action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Date NOV 22 2023

ROBERT T. WATERS

Hon. Robert T. Waters
San Joaquin County Superior Court Judge