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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

RICARDO GAUNA, an individual, and on
behalf of all aggrieved employees,

Plaintiff,

vs.

MERCADO BUENOS AIRES, INC., a
California corporation; PAUL RODRIGUEZ,
an individual; and DOES 1 through 50
inclusive.

Defendants.

Case No. 21STCV38369

Assigned for all purposes to:
Hon. Stephanie M. Bowick
Dept.: 19

**[Proposed] ORDER APPROVING
PARTIES' PAGA SETTLEMENT
AGREEMENT**

Complaint filed: October 18, 2021
Trial Date: None Set

1. The court has received and considered the application of Plaintiff Ricardo Gauna ("Plaintiff"), as an aggrieved employee acting as private attorney general under the Private Attorneys General Act of 2004, Labor Code sections §§ 2698, et seq. ("PAGA"), for approval of the Parties' Joint Stipulation of PAGA Representative Action Settlement ("PAGA Settlement Agreement"). **GOOD CAUSE** having been shown, the court hereby approves the Parties' PAGA Settlement Agreement.

2. This Order hereby adopts and incorporates by reference the terms and conditions of the PAGA Settlement Agreement.

3. The Court finds that it has jurisdiction over the subject matter of the action and over all parties to the action, including all Aggrieved Employees.

1 4. The court has considered all relevant factors for determining the fairness of the PAGA
2 Settlement Agreement and has concluded that all those factors weigh in favor of approving the PAGA
3 Settlement Agreement. In particular, the court finds that the settlement was reached following
4 meaningful discovery and investigation conducted by Plaintiff; that the PAGA Settlement Agreement is
5 the result of serious, informed, adversarial, and arm's-length negotiations between the parties; and that
6 the penalties obtained are genuine and meaningful.

7 5. Accordingly, the court hereby approves the settlement as set forth in the PAGA
8 Settlement Agreement and expressly finds that the settlement is, in all respects, fair, reasonable, adequate
9 and hereby directs implementation of all remaining terms, conditions, and provisions of the PAGA
10 Settlement Agreement.

11 6. The PAGA Settlement Agreement is not an admission by Defendants, nor is this Order a
12 finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order, the
13 PAGA Settlement Agreement, nor any document referred to herein, nor any action taken to carry out the
14 PAGA Settlement Agreement, may be construed as, or may be used as, an admission of any fault,
15 wrongdoing, omission, concession, or liability whatsoever by or against Defendant.

16 7. The Court approves Service Enhancement Awards of \$1,000, to Plaintiff Ricardo
17 Gauna.

18 8. The Court shall retain exclusive and continuing jurisdiction over the above-captioned
19 action and the Parties for purposes of enforcing the terms of the Settlement Agreement.
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21 **IT IS SO ORDERED.**

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23 Dated: _____

Hon. Stephanie M. Bowick
Judge of the Superior Court

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within lawsuit; my business address is 15515 W. Sunset Boulevard, Unit 214, Pacific Palisades, CA 90272.

On **February 17, 2022**, I served the foregoing document described as **[Proposed] ORDER APPROVING PARTIES' PAGA SETTLEMENT AGREEMENT** on the interested parties in this action by placing ☒ a true copy thereof on:

Lauren J. Katunich	Labor and Workforce Development
Ricardo Rozen	Agency
RAINES FELDMAN LLP	(By Posting on the LWDA PAGA
1800 Avenue of the Stars, 12th Fl.	Website)
Los Angeles, CA 90067	
lkatunich@raineslaw.com	
rrozen@raineslaw.com	
<i>Attorneys for Defendants Mercado</i>	
<i>Buenos Aires, Inc and Paul Rodriguez</i>	

- ☐ (BY MAIL): as follows: I deposited the envelopes for mailing in the ordinary course of business at Los Angeles County, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, the sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business, with postage thereon fully prepaid at Los Angeles County, California.
- ☐ (BY OVERNIGHT DELIVERY): as follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.
- ☒ BY E-MAIL: I hereby certify that this document was served from Los Angeles County, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **February 17, 2022**, at Los Angeles County, California.

David R. Greifinger, Esq.

Type or Print Name

Signature