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FILED
Superior Court of California
County of Los Angeles

10/31/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: J. Nichols Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

GUILLAUME DIAZ, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

SAN FERNANDO VALLEY PRODUCE
& DELI, INC., a California corporation,
and DOES 1 through 10, inclusive,

Defendants.

Case No. 21VECV00704

*Assigned for all purposes to The Honorable Shirley
K. Watkins, Dept. T*

**~~[AMENDED PROPOSED]~~ ORDER
APPROVING SETTLEMENT OF CLAIMS
BROUGHT PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS’ FEES, COSTS,
GENERAL RELEASE PAYMENT, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES**

Date: October 10, 2022

Time: 8:30 AM

Dept.: T

RESERVATION ID: 516248169961

Complaint Filed: May 27, 2021

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ORDER

Plaintiff Guillaume Diaz’ (“Plaintiff”) Unopposed Motion for an Order (1) granting approval of the proposed settlement of claims brought pursuant to the Private Attorneys General Act of 2004 (Cal. Labor Code § 2698 *et seq.*) (“PAGA”) set forth in the parties’ Private Attorneys General Act (Labor Code § 2698 *et seq.*) Settlement Agreement (“Settlement Agreement”); (2) appointing Phoenix Class Action Administration Solutions and approving payment of its fees not to exceed \$2,995 from the PAGA Settlement Sum; (3) directing disbursement of the PAGA Settlement Sum pursuant to the terms of the Settlement Agreement; (4) directing payment of attorneys’ fees and litigation costs from the PAGA Settlement Sum in the amount of \$47,896.42 to Plaintiff’s counsel; and (5) directing general release payment from the PAGA Settlement Sum in the amount of \$6,000 to Plaintiff was presented for hearing before this Court in Department T, the Honorable Shirley K. Watkins presiding, on October 10, 2022. Appearances were noted on the record.

Having reviewed the Settlement Agreement and duly considered the parties’ papers and oral argument, and good cause appearing,

THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

1. All terms used herein shall have the same meaning as defined in the Settlement Agreement, which is attached hereto as **Exhibit A**.

2. This Court has jurisdiction over the claims of the Aggrieved Employees and the State of California asserted in this proceeding and over all parties to the Action.

3. The Court finds that the Settlement was entered into in good faith, that the Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable requirements for approval of PAGA representative actions under California law. The Court finds that the PAGA Settlement Sum of \$116,070 represents a fair compromise of the claims alleged in the Action, considering the maximum potential value of the claims asserted and the risks inherent in further litigation.

1 4. The Court has considered the authorities and evidence presented by Plaintiff and
2 based thereon hereby approves the following awards and deductions from the PAGA Settlement
3 Sum:

4 a. To Plaintiff's counsel, Gaines & Gaines, APLC, an award of \$38,690 in
5 attorneys' fees and \$9,206.42 in reimbursement of litigation costs. The Court finds that
6 these amounts are fair and reasonable and commensurate with applicable California law.
7 Gaines & Gaines, APLC shall not be paid from the PAGA Settlement Sum until after
8 settlement checks are mailed to Aggrieved Employees.

9 b. To Plaintiff Guillaume Diaz, a general release payment of \$6,000. The Court
10 finds that the service provided by Plaintiff in the action justifies this payment.

11 c. To Phoenix Class Action Administration Solutions, the settlement
12 administrator, a payment of up to \$2,995 to administer the Settlement through its
13 conclusion, including disbursement of the PAGA Settlement Sum and all tax reporting
14 associated therewith.

15 5. The amount remaining of the PAGA Settlement Sum following these deductions is
16 the Net Settlement Amount of approximately \$59,178.58. The Net Settlement Amount shall be
17 distributed 75% to the Labor and Workforce Development Agency and 25% to the Aggrieved
18 Employees.

19 6. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement
20 based on the provisions and timelines set forth in the Settlement Agreement.

21 7. As authorized by Code of Civil Procedure section 664.6, the Court retains
22 jurisdiction over of the Action, and the Parties to construe, interpret, implement, and enforce the
23 Settlement Agreement and this Order.

24 8. A case management conference is set for Dec. 6, 2022 [no
25 earlier than November 28, 2022] at 8:30 A.M. in this Department. No fewer than five calendar
26 days prior to the conference, the Parties shall file a declaration from the settlement administrator
27 detailing the status of the payments to, and disbursements from, the PAGA Settlement Sum. Should
28

1 the Court find at that time that the Parties and the settlement administrator have fully complied with
2 the settlement's terms, the Court will dismiss this action with prejudice.

3 **IT IS SO ORDERED.**

4 10/31/2022

5 Dated: _____



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A handwritten signature in black ink, appearing to read "Shirley K. Watkins", is written over a horizontal line.

Shirley K. Watkins / Judge

JUDGE OF THE SUPERIOR COURT

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_____ (For messenger) my business address is:

**Jonathan Fraser Light, Esq.
Chandra A. Beaton, Esq.
Kathleen M. Fellows, Esq.
LIGHTGABLER
760 Paseo Camarillo, Suite 300
Camarillo, CA 93010**


JEREMY REYES