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Attorneys for Defendant REJOICE DELIVERS, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

SHELITA LAW, on behalf of herself and
all “aggrieved employees” pursuant to
Labor Code § 2698 et seq.,

Plaintiff,

vs.

REJOICE DELIVERS, LLC, a California
limited liability company, and DOES 1
through 10, inclusive,

Defendant.

Case No. STK-CV-UOE-2021-0007998

[Assigned for all purposes to The Honorable Jayne
Lee, Dept. 10C]

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND DISMISSING ACTION WITH
PREJUDICE**

Action Filed: August 25, 2021
Trial Date: N/A

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On March 2, 2021, Plaintiff complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending a letter, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendant, setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “A” to Gaines Decl.).

2. Plaintiff and Defendant entered into agreements to toll the statute of limitations from April 21, 2021 through and including September 1, 2021 while they discussed the possibility of early resolution of the matter. (Gaines Decl. at ¶ 7).

3. The parties thereafter conducted informal discovery to ascertain the size of the aggrieved employee group, the number of affected pay periods at issue among them, and the strength of Plaintiff’s claims. (Gaines Decl. at ¶ 8).

4. Being fully apprised of the value and strength of Plaintiff’s claims, the parties participated in a mediation with Louis Marlin, Esq. on August 9, 2021 in an attempt to resolve the claims asserted in the Action. (Gaines Decl. at ¶ 9).

5. The parties engaged in arm’s-length negotiations and reached a resolution of the PAGA claims asserted in the action. Based on the information and documents obtained through informal discovery and during mediation, Plaintiff assessed the maximum value of the PAGA claims (without stacking) to be approximately \$323,100 (at the rate of a \$100 penalty for 3,231 pay periods at issue for approximately 185 aggrieved employees during the applicable time frame). (Gaines Decl. at ¶ 10).

6. The amount of the settlement is \$120,000 which represents over 37% of the maximum recoverable discretionary penalties and includes an apportionment of attorneys’ fees and costs and a general release payment to Plaintiff. (Gaines Decl. at ¶ 11).

1 7. The settlement amount represents a fair compromise of the claims. (Gaines Decl. at
2 ¶ 12). Defendant has incurred financial issues as a result of losing business since the start of the
3 pandemic in March, 2020. (Gaines Decl. at ¶ 13).

4 8. Plaintiff filed her Representative Action Complaint on August 25, 2021, seeking
5 penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7,
6 510, 512, 1194, and 2802; and pursuant to Labor Code § 2699(a) for violations of Labor Code §§
7 226.3 and 558. (Gaines Decl. at ¶ 14).

8 8. Based on their extensive experience litigating over 200 representative actions,
9 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
10 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit “B” to Gaines Decl.).

11 9. The parties request that the Court enter the accompanying order, approving their
12 settlement (attached to the Gaines Declaration as Exhibit “C”), as permitted by Labor Code §
13 2699(l), and dismissing this Action with prejudice. (Gaines Decl. at ¶ 15).

14 **IT IS SO STIPULATED.**

15 Dated: October 27, 2021

16 For Plaintiff:

For Defendant:

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18 GAINES & GAINES, APLC

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

19
20 By: Daniel F. Gaines
21 DANIEL F. GAINES

By: Nikolas T. Djordjevski
NIKOLAS T. DJORDJEVSKI

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ORDER

The Court, having reviewed the parties' PAGA Settlement and Release Agreement (the "Settlement" or "Settlement Agreement") attached as Exhibit "C" to the concurrently-filed Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of Daniel F. Gaines and exhibits attached thereto, hereby ORDERS:

1. The Court finds 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.

2. The Court approves the penalties to be paid to the aggrieved employees and the State of California as set forth in the Settlement, pursuant to Labor Code § 2699(l). The Court further approves all payments to be made to Plaintiff's counsel and Plaintiff Shelita Law based on the terms of the Settlement.

3. This Action is hereby DISMISSED WITH PREJUDICE.

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

5. The Court shall retain jurisdiction, pursuant to Code of Civil Procedure section 664.6 and otherwise as permitted by law, to enforce this Settlement.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to
3 the within action. My business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301.

4 _____ (For messenger) my business address is:

5 On October 27, 2021, I served the foregoing document described as **STIPULATION AND [PROPOSED]**
6 **ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS, AND**
7 **DISMISSING ACTION WITH PREJUDICE** on the interested parties in this action by placing a true copy thereof
8 enclosed in sealed envelopes addressed as follows:

9 **Barakah Amaral, Esq.**
10 **Tim Johnson, Esq.**
11 **Nik Djordjevski, Esq.**
12 **Yousaf Jafri, Esq.**
13 **OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**
14 **4370 La Jolla Village Drive, Suite 990**
15 **San Diego, CA 92122**

16 On the above date:

17 X (BY ☒ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
18 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
19 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
20 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
21 meter date is more that one day after date of deposit for mailing in affidavit.

22 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
23 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
24 carrier or driver authorized by the express carrier to receive documents.

25 _____ (BY FACSIMILE TRANSMISSION) On October 27, 2021, at _____ a.m./p.m., at Calabasas, California, I
26 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
27 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
28 telephone number(s) of the receiving facsimile machine was (____) ____-____. A transmission report was properly
issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

_____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

 X (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce
Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the
LWDA.

I certify that the above document was printed on recycled paper.

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

Executed on October 27, 2021 at Calabasas, California.

Beatriz Franco
BEATRIZ FRANCO