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IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

THE CALIFORNIA LABOR AND)
WORKFORCE DEVELOPMENT)
AGENCY, a California governmental)
agency, *ex rel.* CARLOS LARA; and)
CARLOS LARA, individually,)

Plaintiffs,)

v.)

VISUAL EDGE, INC., a Delaware)
corporation; CHRIS WALLACE, an)
individual; and DOES 1-15, inclusive,)

Defendants.)
)
)
)
)

FILED

Superior Court of California
County of Alameda

10/04/2023

Clad Filer, Executive Officer / Clerk of the Court

By: *R. Tumonong* Deputy

R. Tumonong

Case No.: RG21105541

**~~PROPOSED~~ ORDER GRANTING MOTION
FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (PAGA)
SETTLEMENT AND ENTERING FINAL
JUDGMENT**

DATE: SEPTEMBER 27, 2023

TIME: 2:30 PM

DEPT. 16

HON. TARA DESAUTELS

RESERVATION ID: 391126737874

Pursuant to the Motion for Approval of Private Attorney General Act (PAGA) Settlement submitted by Plaintiff Carlos Lara, (“Motion”) having considered the Motion, the Declaration of Counsel, and all legal authorities submitted in support, the fully-executed Private Attorneys General Act Settlement Agreement and Release of Claims, and good cause appearing, **IT IS ORDERED** that the Motion is **GRANTED**, subject to the following orders:

a) The Court approves the Gross Settlement Amount by Defendant Visual Edge, Inc. (“Defendant”) of \$500,000;

b) The Court approves the PAGA Fund of \$331,191, from which

i) \$248,393 (75%) shall be paid to the California Labor and Workforce Development Agency (“LWDA”), and

ii) \$82,798 (25%) shall be paid to all PAGA members which will be divided by the total number of pay periods and then will be multiplied by the number of pay periods each Aggrieved Employee worked during the PAGA Period to determine the amount he or she will receive;

c) The Court approves and awards PAGA Counsel, Aiman-Smith & Marcy, attorneys’ fees of \$150,000 and litigation costs of \$14,553;

d) The Court approves and awards to Plaintiff Carlos Lara (“Plaintiff”), \$500 as a service award, for his initiation, risks and burdens which resulted in monetary payments to the LWDA and to all PAGA Members;

e) The Court finds the payment of \$3,756 to Atticus Administration, LLC, the Settlement Administrator, is fair and reasonable, and orders the Administrator to make this payment to itself in accordance with the Settlement Agreement;

f) If any PAGA Members fail to cash their settlement payment checks within 180 days after they are mailed by the Administrator, the checks will become void and escheat to the State of California Controller’s Office – Unclaimed Fund in the names of the PAGA Settlement Members who did not cash such checks and shall be sent by the Administrator;

g) Pursuant to Labor Code § 2699(1)(3), a copy of this Order shall be submitted to the LWDA within 10 days after entry of this Order;

1 h) Judgment is hereby entered in favor of Plaintiffs, and all issues raised in this
2 action are hereby disposed of; and

3 i) Pursuant to California Code of Civil Procedure § 664.6, the Court shall retain
4 continuing jurisdiction over this action and the Parties, including after entry of this Order, to
5 the fullest extent necessary to interpret, enforce and effectuate the terms and intent of the
6 Agreement and this Order.

7 **IT IS SO ORDERED.**

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9 Dated: 10/04/2023



10 The Honorable Tara Desautels
11 **Tara Desautels / Judge**
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1 **PROOF OF SERVICE**

2 I, the undersigned, hereby declare: I am employed in the County of Alameda,
3 California; I am over eighteen years of age and not a party to the within action. I am either
4 admitted to practice before this Court or employed in the office of an attorney admitted to
practice in this Court. My business address is 7677 Oakport, Suite 1150, Oakland, California
94621.

5 On this date, I served the following:

6 **[PROPOSED] ORDER GRANTING MOTION FOR APPROVAL OF**
7 **PRIVATE ATTORNEYS GNERAL ACT (PAGA) SETTLEMENT**
8 **AND ENTERING FINAL JUDGMENT**

as follows:

9 Katie Briscoe, Esq.
10 Scott Morrison, Esq.
11 Julie Totten, Esq.
12 Orrick, Herrington & Sutcliffe LLP
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15 916-447-9200
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*Attorneys for Visual Edge Inc. and Chris
Wallace*

17 — [By U.S. Mail]] I caused such envelope, with postage fully prepaid, to be placed in the
18 United States mail at Oakland, California.

19 ~~X~~ [By E-Mail]] I caused such document to be electronically transmitted via the Internet to
(email address) from Oakland, California.

20 — [By Electronic Transmission] I hereby certify that on this date, I electronically
21 transmitted the foregoing document to the Clerk's Office using the CM/ECF System for
filing and service via transmittal of a Notice of Electronic Filing.

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

24 Dated: October 3, 2023



Norma Dale