

FILED

KERN COUNTY SUPERIOR COURT
5/17/2022

BY Dickey, Leslie
DEPUTY

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7 Attorneys for Plaintiff Alexis Grajeda Garcia, on behalf of himself and all "aggrieved employees"
8 pursuant to Labor Code § 2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF KERN**

11 ALEXIS GRAJEDA GARCIA, on behalf
12 of himself and all "aggrieved employees"
13 pursuant to Labor Code § 2698 *et seq.*,

14 Plaintiffs,

15 vs.

16 WESTERN OILFIELDS SUPPLY
COMPANY, a Delaware Corporation, and
17 DOES 1 through 10, inclusive,

18 Defendants.

CASE NO.: BCV-21-101746

Assigned to the Hon. Thomas S. Clark, Department
17

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

Complaint Filed: July 29, 2021

STIPULATION

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

1. On May 26, 2021, Plaintiff Alexis Grajeda Garcia ("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 Western Oilfields Supply Company ("Defendant") (hereinafter Plaintiff and Defendant are collectively referred to as the "Parties"), setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines ["Gaines Decl."] at ¶ 6; Exhibit "B" to Gaines Decl.).

2. Plaintiff filed his Representative Action Complaint on July 29, 2021 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7, and 512 and penalties pursuant to Labor Code § 2699(a) for violations of Labor Code §§ 226.3 and 558 ("the Action"). (Gaines Decl. at ¶ 7).

4. Defendant denies and continues to deny any liability to Plaintiff or any other allegedly aggrieved employee for any violations alleged in the Action. (Gaines Decl. at ¶ 9).

5. During the course of the litigation, the Parties engaged in informal discovery and shared the information necessary for all sides to conduct a legitimate investigation into the allegations of the action and potential defenses thereto. The Parties have reached this settlement only after such discovery and investigation was performed, following a mediation with Scott Markus on April 5, 2022. (Gaines Decl. at ¶ 10).

6. Plaintiff assessed the value of the PAGA claims (without stacking) to be approximately \$1,791,500 (at the rate of a \$100 penalty for 17,915 pay periods at issue). (Gaines Decl. at ¶ 11).

7. The amount of the settlement is \$214,980, which represents a recovery of 12% of the possible discretionary penalties and includes an apportionment of attorneys' fees and costs and a modest general release payment to Plaintiff Garcia. (Gaines Decl. at ¶ 12).

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1 8. The Parties agree that the settlement amount represents a fair compromise of the
2 claims, including the related costs of litigation and risk. (Gaines Decl. at ¶ 13).

3 9. Based on their extensive experience litigating over 100 representative actions,
4 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
5 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit "A" to Gaines Decl.).

6 10. The Parties request that the Court enter the accompanying order, approving their
7 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
8 2699(l), and dismiss this Action with prejudice. (Gaines Decl. at ¶ 14).

9 **IT IS SO STIPULATED.**

10 Dated: May 2 , 2022

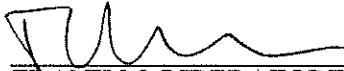
11 For Plaintiff:

For Defendant:

12
13 GAINES & GAINES, APLC

JACKSON LEWIS P.C.

14
15 By: *Daniel F. Gaines*
16 DANIEL F. GAINES

By: 
FRANK M. LIBERATORE

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ORDER

The Court, having reviewed the Parties' Private Attorneys General Act (Labor Code § 2698 *et. seq.*) Settlement 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 Garcia 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.

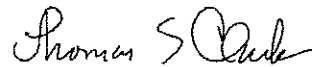
5. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto.

IT IS SO ORDERED.

Dated: 05/17/2022

BCV-21-101746

Signed: 5/17/2022 12:18 PM



JUDGE OF THE SUPERIOR COURT

Thomas S. Clark

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 within action; my business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On May 3, 2022, I served the foregoing document described as **STIPULATION AND [PROPOSED] ORDER**
6 **APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS, AND DISMISSING**
7 **ACTION WITH PREJUDICE** on the interested parties in this action by placing a true copy thereof enclosed in sealed
8 envelopes addressed as follows:

9 **Frank Liberatore, Esq.**
10 **Danielle C. Cepeda, Esq.**
11 **Landon Schwob, Esq.**
12 **JACKSON LEWIS P.C.**
13 **725 South Figueroa Street, Suite 2500**
14 **Los Angeles, CA 90017-5408**

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

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

24 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Westlake Village, California, I
25 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant
26 to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine
27 was (818)703-8984 and the telephone number(s) of the receiving facsimile machine was () - _____.
28 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.

_____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission via email on the counsel of record listed above.

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 May 3, 2022, at Westlake Village, California.

27 Beatriz Franco
28 BEATRIZ FRANCO