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Attorneys for Defendant Folsom Lake Ford, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

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

Plaintiffs,

v.

FOLSOM LAKE FORD, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 34-2021-00304667

Assigned to the Hon. Lauri A. Damrell, Dept. 28

CLASS ACTION

**JOINT SUPPLEMENTAL BRIEFING FOR
MOTION FOR AN ORDER APPROVING
SETTLEMENT OF CLAIMS BROUGHT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS’ FEES, COSTS,
SERVICE AWARD, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES, AND
ENTERING JUDGMENT THEREON**

Date: September 1, 2023

Time: 9:00 a.m.

Dept.: 28

Action Filed: July 21, 2021

1 **I. INTRODUCTION**

2 Plaintiff Sheldon Walker (“Plaintiff”) and Defendant Folsom Lake Ford, Inc.
3 (“Defendant”) (collectively, “the Parties”) hereby respectfully submit this Joint Supplemental
4 Briefing to address the Court’s July 20, 2023 Tentative Ruling (the “Ruling”) regarding Plaintiff’s
5 Unopposed Motion For An Order Approving Settlement Of Claims Brought Pursuant To The
6 Private Attorneys General Act Of 2004, Awarding Attorneys’ Fees, Costs, Service Award, And
7 Reimbursement Of Settlement Administration Expenses, And Entering Judgment Thereon (the
8 “Motion”).

9 **II. TOPICS ADDRESSED IN THE COURT’S RULING**

10 **1. Notice to the LWDA**

11 The Court has requested that Plaintiff provide proof of his submission of the proposed
12 settlement to the LWDA. *See Exhibit A* to Supplemental Declaration of Daniel F. Gaines (“Suppl.
13 Gaines Decl.”).

14 Plaintiff directs the Court’s attention to **Exhibit B** to the Suppl. Gaines Decl., which
15 includes the email confirmations from the LWDA for the original Settlement Agreement and
16 original Motion and supporting papers (submitted on March 16, 2023), the revised Motion¹ and
17 supporting papers (submitted on May 18, 2023), and the Amended Settlement Agreement and these
18 supplemental papers (submitted on August 14, 2023).

19 **2. Scope of Release**

20 The Court noted that the PAGA release in the Settlement Agreement releases claims based
21 on “the facts and theories alleged in Plaintiff’s May 21, 2021 notice to the Labor and Workforce
22 Development Agency and in the Action.” *See Exhibit A* to Suppl. Gaines Decl. The Court indicated
23 that the release should be limited to the factual allegations in Plaintiff’s notice letter and those
24 claims that are reasonably related to or arising from them, not the theories alleged. *Id.*

25 As requested, the Parties have modified the language of the Settlement Agreement relating
26 to the PAGA release so that it removes “and theories” from it. *See Exhibit C* (a true and correct

27
28 ¹ Plaintiff initially filed his Motion on March 17, 2023, for a hearing date on April 19, 2023 in Dept.
53. Plaintiff refiled his Motion in this department on May 19, 2023.

1 copy of the First Amended Joint Stipulation for Settlement [the “Amended Settlement” or
2 “Amended Settlement Agreement”] and **Exhibit D** (a true and correct copy redlining the changes
3 made between the original Settlement Agreement and the Amended Settlement [the “Redlined
4 Amended Settlement Agreement”]) to Suppl. Gaines Decl., at § I(11).

5 **3. Cover Letter to Aggrieved Employees**

6 The Court ordered the Parties to amend the Cover Letter to the Aggrieved Employees to
7 include additional language at the top in bold letters. *See* **Exhibit A** to Suppl. Gaines Decl.

8 As requested, the Parties have modified the Cover Letter to state at the top, in bold letters,
9 that “[t]his settlement does not release any individual claims that you might have against
10 Defendants outside of PAGA.” *See* the Amended Cover Letter (attached as Exhibit A to the
11 Amended Settlement Agreement) and the Redlined Amended Cover Letter (attached as Exhibit A
12 to the Redlined Amended Settlement Agreement).

13 **4. Attorney’s Fee Award**

14 The Court noted that it was inclined to award an attorney fee award of “no more than one-
15 third of the GSA or \$216,666.67.” *See* **Exhibit A** to Suppl. Gaines Decl.

16 The Parties have modified the Settlement Agreement to change the requested attorney fee
17 award from 35% of the GSA to one-third of the GSA. *See* **Exhibit C** and **Exhibit D** to Suppl.
18 Gaines Decl., at §§ I(8), III(2), and III(4)(a).

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1 **III. CONCLUSION**

2 Accordingly, the Parties respectfully request that this Court grant approval of the Amended
3 Settlement Agreement.

4 Dated: August 16, 2023

GAINES & GAINES
A Professional Law Corporation

6 By: 
7 DANIEL F. GAINES
8 ALEX P. KATOFISKY
 Attorneys for Plaintiff

9 Dated: August 15, 2023

JACKSON LEWIS P.C.

10 By: 
11 NATHAN AUSTIN
12 SIERRA VIERRA
13 Attorneys for Defendant

1 **PROOF OF SERVICE**

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 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA
4 91362.

5 _____ (For messenger) my business address is:

6 On August 16, 2023, I served the foregoing documents described as **(1) JOINT SUPPLEMENTAL**
7 **BRIEFING FOR MOTION FOR AN ORDER APPROVING SETTLEMENT OF CLAIMS BROUGHT**
8 **PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT OF 2004, AWARDING ATTORNEYS'**
9 **FEES, COSTS, SERVICE AWARD, AND REIMBURSEMENT OF SETTLEMENT ADMINISTRATION**
10 **EXPENSES, AND ENTERING JUDGMENT THEREON** and **(2) SUPPLEMENTAL DECLARATION OF**
11 **DANIEL F. GAINES IN SUPPORT OF MOTION FOR AN ORDER APPROVING SETTLEMENT OF**
12 **CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT OF 2004, AWARDING**
13 **ATTORNEYS' FEES, COSTS, SERVICE AWARD, AND REIMBURSEMENT OF SETTLEMENT**
14 **ADMINISTRATION EXPENSES, AND ENTERING JUDGMENT THEREON** on the interested parties in this
15 action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

16 **Nathan W. Austin, Esq.**
17 **nathan.austin@jacksonlewis.com**
18 **Sierra Vierra, Esq.**
19 **sierra.vierra@jacksonlewis.com**
20 **JACKSON LEWIS P.C.**
21 **400 Capitol Mall, Suite 1600**
22 **Sacramento, CA 95814**
23 **Cc: nicole.grandy@jacksonlewis.com**

24 On the above date:

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

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

30 ☒ (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the
Labor & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov) in
accordance with the procedure imposed by the LWDA.

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

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

33 Executed on August 16, 2023, at Westlake Village, California.

34 
35 AMELIA BOOTH