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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO**

CHRISTOPHER GONZALES, on behalf of
himself and all those similarly situated,

Plaintiff,

v.

PRIME COMMUNICATIONS, L.P. and
PRIME COMMS RETAIL, LLC., a Delaware
corporation,

Defendants.

Case No.: 23-CIV-03441

Hon. Nicole S. Healy, Department 28

**[PROPOSED] ORDER AND JUDGMENT
GRANTING PLAINTIFF'S AMENDED
MOTION FOR APPROVAL OF PAGA
SETTLEMENT AGREEMENT AND
AWARD OF ATTORNEYS' FEES AND
COSTS**

Complaint Filed: July 26, 2023

Trial Date: Not Set

E-Service Provider: CaseAnywhere

The Court has before it a motion by Plaintiff Christopher Gonzales (“Plaintiff”) for Approval of a proposed Private Attorney General Act (“PAGA”) settlement. The Court held a motion hearing on May 5, 2027 at 2:00 p.m. in Department 28. After reviewing the Plaintiff’s motion, the declarations included therewith, hearing arguments of Counsel, and based on the full record in this action, the Court hereby finds and orders as follows:

1. The Court finds that the proposed PAGA settlement is fair, reasonable, and adequate, and worthy of approval. Specifically, the Court finds that the \$439,500.00 settlement amount is reasonable in light of the risk, expense, complexity, and duration of further litigation, and given the possible penalties at issue in the case. The Court further finds that the settlement resolves the claims of 2,435 Aggrieved Employees who worked approximately 74,500 pay periods during the PAGA Period of May 22, 2022 through November 30, 2025, and that the settlement carries a meaningful deterrent effect.

2. The Court approves the \$274,214.25 PAGA allocation, of which 75%, or \$205,660.69, is to be distributed to the California Labor and Workforce Development Agency (“LWDA”), and 25%, or \$68,553.56, will be distributed to the Aggrieved Employees on a pro rata basis according to the number of pay periods each worked during the PAGA Period. The Court finds that the Parties have satisfied the requirements of PAGA by submitting the Settlement Agreement to the LWDA.

3. The Court grants Plaintiff's Counsel's request for attorneys' fees in the amount of one-third of the \$439,500.00 settlement, which amounts to \$146,500.00. The Court has performed a lodestar cross-check and finds that the requested fee is reasonable in light of the hours reasonably expended, the reasonable hourly rates of Plaintiff's Counsel, the contingent risk assumed, the quality of the representation, and the results obtained.

4. The Court grants Plaintiff's Counsel's request for reimbursement of \$3,785.75 in litigation expenses.

5. The Court appoints Simpluris, Inc. as the Settlement Administrator and approves payment of up to \$10,000.00 to compensate the Settlement Administrator. To the extent

1 settlement administration costs exceed \$10,000.00, Defendants shall be separately responsible for
2 them. To the extent those costs are less than \$10,000.00, the difference shall be added to the Net
3 Settlement Amount and distributed in accordance with paragraph 2 above.

4 6. The Court approves a service award of \$5,000.00 to Plaintiff Gonzales, finding it
5 warranted in light of the risks of litigating this case and the contributions to the case.

6 7. The Settlement is HEREBY APPROVED in its entirety based upon the terms set
7 forth in this Order and Judgment and the Settlement Agreement and Release submitted with
8 Plaintiff's motion, including the proposed PAGA Notice and the releases encompassed therein are
9 effectuated.

10 8. JUDGMENT IS HEREBY ENTERED, approving the terms of the Settlement.

11 9. Neither this Order nor the Settlement Agreement and Release, nor any of their
12 terms or provisions, nor any of the negotiations or proceedings connected with them, shall be
13 construed as an admission or concession by the Settling Parties of the truth of any of the
14 allegations, claims, defenses, or averments in this litigation, or of any liability, fault or
15 wrongdoing of any kind.

16 10. The Parties shall comply with the terms of the Settlement Agreement and Release
17 regarding the funding of the settlement and the distribution of settlement funds and notice to the
18 Aggrieved Employees.

19 11. Plaintiff's request for leave to file a memorandum of points and authorities in
20 excess of the page limit set by California Rule of Court 3.1113(d) is GRANTED. Plaintiff shall
21 submit a copy of this Order and Judgment to the LWDA within 10 days after its entry.

22 **IT IS SO ORDERED.**

23
24 Dated: _____

Hon. Nicole S. Healy
Superior Court of California,
County of San Mateo