

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego
09/17/2021 at 09:28:39 AM
Clerk of the Superior Court
By Kristin Sorianosos, Deputy Clerk

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

CHRIS ALVARADO, as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiff,

vs.

MISSION BAY MANAGEMENT, LLC, a
Delaware limited liability company; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 37-2021-00035853-CU-OE-CTL

[Assigned for all purposes to the Honorable Eddie
C. Sturgeon, Dept. C-67]

[PROPOSED] ORDER AND JUDGMENT

Date: September 21, 2021
Time: 8:30 a.m.
Department: C-67

Complaint Filed: September 28, 2020

1 On September 9, 2021 the *Ex Parte* Application re: Private Attorneys General Act Settlement
2 Approval filed by Plaintiff, Chris Alvarado, came on for hearing before this Court.

3 The Court has received and considered the *Ex Parte* Application of Plaintiff, an individual and
4 proxy for the State of California on behalf of “aggrieved employee” as a private attorney general under
5 the Labor Code Private Attorneys General Act of 2004, § 2699 et seq. (“PAGA”), which was filed on
6 September 8, 2021. Defendant, Mission Bay Management, LLC, does not oppose the *Ex Parte*
7 Application.

8 **NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:**

9 The Court hereby approves the Parties’ proposed Settlement Agreement (“Settlement”), and
10 hereby enters final judgment in favor of Plaintiff in the amount of \$125,000. The Settlement’s release
11 for Aggrieved Employees is narrowly tailored to release PAGA claims for violations of Labor Code §
12 204. The settlement amount and the PAGA Penalty Fund of \$62,250.00 are reasonable and approved to
13 resolve the PAGA claims alleged in the operative Complaint. Pursuant to PAGA, 75% of the PAGA
14 Penalty Fund, or \$46,687.50, would be distributed to the Labor and Workforce Development Agency
15 (“LWDA”). The remaining 25% of the PAGA Penalty Fund would be distributed to Aggrieved
16 Employees.

17 Based on the approved terms of the Settlement, (i) \$10,000.00 is awarded to Plaintiff as an
18 Individual Settlement Payment in consideration of his efforts as the representative and for Plaintiff’s
19 release of individual claims and waiver of Civil Code § 1542, (ii) \$43,750.00 is awarded to Plaintiff’s
20 Counsel as reasonable attorney fees, and \$5,000.00 is awarded to Plaintiff’s Counsel for actual litigation
21 costs, and (iii) \$4,000.00 is awarded to Phoenix Settlement Administrators as costs of administration.

22 This Judgment incorporates by reference the definitions in the Settlement and all terms defined
23 therein shall have the same meaning as set forth in the Settlement.

24 This Judgment is entered as part of a Settlement and the Court has made no findings of liability
25 or provided any notice of PAGA violations.

26 As a result of this Judgment, Aggrieved Employees are barred from prosecuting any of the
27 claims covered by the release, as defined in the Settlement, against Defendant and the Released Parties.
28

1 This Judgment is intended to be a final disposition in its entirety of the above captioned action.
2 Without affecting the finality of this judgment in any way, the Court retains jurisdiction of all matters
3 relating to the interpretation, administration, implementation, effectuation, and enforcement of the
4 Settlement pursuant to C.C.P. § 664.6.

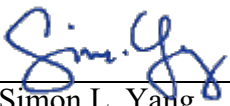
5 **IT IS SO ORDERED.**

6 DATED: _____, 2021

THE HONORABLE EDDIE C. STURGEON

1 Respectfully submitted on September 16, 2021,

2 by: DIVERSITY LAW GROUP, P.C.

3
4 By:  _____

5 Simon L. Yang
6 Attorneys for Plaintiff
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28