

FILED
San Diego Superior Court

AUG 31 2023

Clerk of the Superior Court
By: H. Chavarin, Deputy

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

INEZ DEVILLO, an individual, and other
aggrieved employees,

Plaintiffs,

vs.

VIETNAM VETERANS OF SAN DIEGO,
INC., a California Corporation and DOES 1
through 10, inclusive,

Defendants.

CASE NO. 37-2021-00040286-CU-OE-CTL

[Assigned for all purposes to Honorable Eddie
C. Sturgeon]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EX PARTE APPLICATION
FOR APPROVAL OF PRIVATE
ATTORNEY GENERAL ACT
SETTLEMENT**

Date: August 31, 2023

Time: 8:30 a.m.

Dept: C-67

Complaint Filed: September 21, 2021

Trial Date: December 8, 2023

Department: C-67

1 On August 31, 2023, a hearing was held on Plaintiff's *Ex Parte* Application for
2 Approval of Private Attorney General Act Settlement. Thomas A. Rist of Rist Law Office,
3 LC appeared for Plaintiffs and Ryan Nell of Pettit Kohn appeared for Defendants.

4 The Court, having read and considered the *Ex Parte* Application, the Memorandum
5 of Points and Authorities, supporting Declarations, and all other filed documents and
6 exhibits, and good cause appearing therefore,

7 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

8 1. All terms or phrases used in this Order shall have the same meaning as in the
9 PAGA Settlement Agreement.

10 2. This Court has jurisdiction over the claims of the Aggrieved Employees asserted
11 in this proceeding, personal jurisdiction over Plaintiffs and Defendant and the Aggrieved
12 Employees as defined in the PAGA Settlement Agreement, and subject matter jurisdiction to
13 approve the Settlement.

14 3. The Court hereby approves the settlement terms set forth in the PAGA
15 Settlement Agreement and finds that the Settlement is, in all respects, fair, adequate and
16 reasonable, and further finds that Plaintiffs have satisfied the standards and applicable
17 requirements for approval of this settlement pursuant to California Labor Code § 2698, *et seq.*

18 4. All aggrieved employees are bound by this Order and Judgment and by the
19 Settlement embodied therein, including the releases provided for in the PAGA Settlement
20 Agreement and this Order and Judgment. As of the Effective Date of the PAGA Settlement
21 Agreement, by operation of the entry of this Final Approval Order and Judgment, each
22 aggrieved employee, including Plaintiff, shall be deemed to have fully released, waived,
23 relinquished and discharged, to the fullest extent permitted by law, all Released Claims that
24 they may have against the Released Parties as set forth in the Settlement Agreement.

25 5. Release of Claims of aggrieved shall include the following: all claims stated
26 in the Complaint and those based on the facts alleged in the Complaint that accrued during
27 the PAGA Period. Notwithstanding the above, the release excludes any claims not
28 specifically alleged in the Complaint.

1 6. For the reasons set forth in Plaintiffs' *Ex Parte* Application for Approval of
2 Private Attorney General Act Settlement, Counsel's requests for a Fee Award in the
3 amount of \$21,666.67, and reasonable actual expenses of \$4,299.70 as the Expense Award,
4 are hereby granted because the requests fall within the range of reasonableness, the result
5 achieved justified the award, and the expenses were reasonably incurred.

6 7. The request for settlement administration costs in the amount of \$2,250.00 is
7 hereby granted and shall be paid to the Settlement Administrator, ILYM Group, pursuant to
8 the terms of the PAGA Settlement Agreement.

9 8. The request for payment to the Labor & Workforce Development Agency
10 LWDA of 75% of the net settlement fund in civil penalties under PAGA is hereby granted.
11 Seventy-five percent (75%), or \$27,587.72, shall be paid to the California Labor &
12 Workforce Development Agency. The remaining twenty-five percent (25%), or \$9,195.90,
13 shall be allocated to the aggrieved employees in this matter.

14 9. No other costs, fees or other relief shall be awarded, either against
15 Defendant, the Released Parties, or any related persons or entities, as defined in the PAGA
16 Settlement Agreement.

17 10. Pursuant to the terms of the PAGA Settlement Agreement, the instant action
18 is dismissed with prejudice, subject to Paragraph 11 below.

19 11. Without affecting the finality of this Final Approval Order and Judgment, the
20 Court reserves continuing and exclusive jurisdiction over the parties to the Settlement,
21 including Defendant and all aggrieved employees, including Plaintiff, to administer,
22 supervise, construe and enforce the Settlement in accordance with its terms for the mutual
23 benefit of the parties.

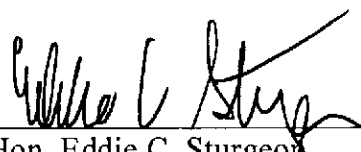
24 12. Judgment is entered in accordance with the findings in this Order. This
25 Judgment is the Final Judgment in the suit as to all aggrieved employees. The Court finds
26 that there is no just reason for delay and expressly directs the Clerk of the Court to enter
27 Judgment immediately.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

DATED: August 31, 2023



Hon. Eddie C. Sturgeon
Judge of the Superior Court