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12 individually and on behalf of all others similarly situated.

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

MARIO JAVIER PALACIO, JR,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

MTC DISTRIBUTING; and DOES 1
through 20, inclusive,

Defendants.

Case No. CV-21-004716

*Assigned for all purposes to
Judge John D. Freeland
Dept. 23*

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT
REPRESENTATIVE ACTION
SETTLEMENT**

Date: May 16, 2023
Time: 8:30 a.m.
Dept.: 23

FILED

MAY 17 2023

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY

DEPUTY

**~~PROPOSED~~ ORDER GRANTING MOTION FOR APPROVAL OF PRIVATE ATTORNEYS GENERAL
ACT REPRESENTATIVE ACTION SETTLEMENT**

1 The Court has received and considered the joint stipulation of Plaintiff, as an individual,
2 and on behalf of the people of the State of California and as an "aggrieved employee" acting as a
3 private attorney general under the Labor Code Private Attorneys General Act of 2004, § 2699, *et*
4 *seq.* ("PAGA") and Defendant in the above-captioned action filed on August 27, 2021.

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

6 1. This Judgment incorporates by reference the definitions in the PAGA Settlement
7 Agreement ("Settlement"), and all terms defined therein shall have the same meaning as set forth
8 in the Settlement.

9 2. The Court hereby approves the Parties' proposed Settlement and hereby enters
10 FINAL JUDGMENT based on the terms set forth in the Parties' Settlement in favor of Plaintiff
11 and the Aggrieved Employees in the amount of \$500,000.00. Of this, \$166,666.67 is awarded as
12 attorneys fees paid to PAGA Counsel, \$19,539.60 is awarded as costs paid to PAGA Counsel,
13 \$10,000.00 is awarded to Plaintiff in exchange for the general release of his individual claims,
14 and \$4,500.00 is awarded as Settlement Administrative Costs paid to the Settlement
15 Administrator. Of the remaining \$299,293.73, \$224,470.29 shall be distributed to the California
16 Labor and Workforce Development Agency ("LWDA") and \$74,823.43 shall be distributed to
17 the Aggrieved Employees as set forth in the Settlement.

18 3. The Court hereby approves, as to form and content, the notice to be distributed to
19 the aggrieved employees, attached to the Settlement as Exhibit 1.

20 4. As of the date of entry of this Order, the State of California and all Aggrieved
21 Employees are deemed to release, on behalf of themselves and their respective former and present
22 representatives, agents, attorneys, heirs, administrators, successors, and assigns, Defendant MTC
23 and each of its former and present directors, officers, shareholders, owners (expressly including
24 Tom Eakin, Harbor Wholesale Grocery Inc., and Harbor Foods Group Inc.), members, attorneys,
25 insurers, predecessors, successors, assigns, subsidiaries, and affiliates from all claims for PAGA
26 penalties that were alleged, or reasonably could have been alleged, based on the PAGA Period facts
27 stated in the Operative Complaint and the PAGA Notice.

17 904

1 5. A Final Accounting hearing is set for January 15, 2024 at 8:30 a.m. before this
2 Court. The administrator is to file a declaration no later than 5 court days in advance to confirm
3 that the distribution of funds is complete, including any distribution to the State Controller per
4 the settlement agreement. If distribution efforts are not complete, counsel shall call the clerk and
5 reschedule.

6 6. This Judgment intended to be a final disposition in its entirety of the above
7 captioned action. Without affecting the finality of this judgment in any way, the Court retains
8 jurisdiction of all matters relating to the interpretation, administration, implementation,
9 effectuation, and enforcement of the Settlement pursuant to C.C.P. section 664.6.

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11 IT IS SO ORDERED.

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13 Dated: 5/16, 2023

14 J. Freeland
15 Hon. John D. Freeland
16 Judge of the Superior Court, County of Stanislaus
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