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on behalf of himself and all others similarly aggrieved

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FILED
Superior Court of California
County of Los Angeles
06/05/2023
David W. Slayton, Executive Officer / Clerk of Court
By: A. He Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JUAN SALINAS, an individual, on behalf of himself and others similarly situated, Plaintiff, vs. CUSTOM DESIGN FUR CORPORATION, a California corporation; and DOES 1 through 50, inclusive, Defendants.	Case No.: 21STCV28990 CLASS ACTION Assigned for All Purposes To: Hon. Stuart M. Rice Dept.: 1 – Spring Street Courthouse **~~[PROPOSED] AMENDED~~ ORDER GRANTING APPROVAL OF THE PARTIES' PRIVATE ATTORNEYS GENERAL ACT SETTLEMENT AGREEMENT AND JUDGMENT** Complaint Filed: August 5, 2021 First Amended Complaint: January 6, 2023 Trial Date: None Set

JUDGMENT AND ORDER GRANTING APPROVAL TO THE PARTIES' PRIVATE ATTORNEYS GENERAL ACT SETTLEMENT AGREEMENT

The Court has reviewed and considered the Joint Stipulation Requesting approval of the Private Attorneys General Act Settlement Agreement ("Settlement") between Plaintiff JUAN SALINAS ("Plaintiff"), on behalf of himself and all other similarly aggrieved non-exempt resident building and property managers employed by Defendant CUSTOM DESIGN FUR CORPORATION ("Defendant") (together, "the parties") and Defendant and the Lindsay Declaration in support thereof, along with the parties' proposed Settlement Agreement (Lindsay Decl., Exhibit A) and proposed Notice of Representative Action Settlement (Lindsay Decl., Exhibit B), as filed on May 8, 2023. The Court issued an Order on May 30, 2023 indicating a willingness to grant approval pending PAGA Counsel's agreement to a fee award reduction, and PAGA Counsel so agreed.

With GOOD CAUSE appearing, and in light of the parties' Joint Stipulation and Settlement Agreement and Plaintiff's Request for Dismissal of the class claims under Rule 3.770 filed May 24, 2023, the Court approves the Settlement Agreement and enters Judgment, and it is further ORDERED THAT:

1. This Order hereby adopts and incorporates by reference the terms and conditions of the Settlement Agreement.

2. The Court finds that it has jurisdiction over the subject matter of the action and over all parties to the action, including all Aggrieved Employees defined as all current and former non-exempt employees who are or were employed by Defendant in California as resident building managers during the PAGA Period (or if any such person is incompetent, deceased, or unavailable due to military service), with the PAGA Period defined as August 5, 2020 through the date of entry of this amended Order and Judgment.

3. The Court hereby finds that the Settlement is, in all respects, fair, reasonable, adequate in view of PAGA's purpose and policies, and hereby directs implementation of all remaining terms, conditions, and provisions of the Settlement.

4. The Settlement is not an admission by Defendant, nor is this Order and Judgment a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission, concession, or liability whatsoever by or against Defendant.

5. The Settlement provides that Defendant will pay a total Gross Settlement Amount of $95,000.00 to settle this action, which will be used to pay Individual PAGA Payments, the LWDA PAGA Payment, PAGA Counsel Fees Payment ($31,666.67, i.e., one-third of the Gross), PAGA Counsel Litigation Expenses Payment ($8,000.00), and the Administrator's Expenses Payment ($3,100.00). The Net Settlement Amount remaining after the above allocations is approximately $52,233.33, which will include the PAGA Penalties paid to the LWDA and to the Aggrieved Employees as Individual PAGA Payments. More specifically, PAGA Penalties are defined as the total amount of PAGA civil penalties ($52.233.33) to be paid from the Gross Settlement Amount, which will be allocated 25% to the Aggrieved Employees ($13,058.33) and 75% to the LWDA ($39,175.00) in settlement of the PAGA claims. The Court approves these allocations and numbers.

6. The Court hereby awards $31,666.67 in attorneys' fees and $8,000.00 in costs to PAGA Counsel, David Yeremian & Associates, Inc.

7. The Court appoints ILYM Group, Inc. to serve as the Settlement Administrator and approves costs of administration not to exceed $3,100.00.

8. This Judgment shall be binding on all Aggrieved Employees and the State of California, who are hereby barred by the doctrine of *res judicata* from re-litigating the Released Claims. Upon entry of this Judgment, the Aggrieved Employees are deemed to release, on behalf of themselves and their respective former and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, the Released Parties from all claims for PAGA penalties that were alleged, or reasonably could have been alleged, based on the PAGA Period facts stated in the original complaint, the Operative Complaint and the PAGA Notice in this Action. The Released Parties are defined as Defendant and each of its former and present directors, officers,

managing agents, shareholders, owners, members, attorneys, insurers, predecessors, successors, assigns, subsidiaries, and affiliated entities and individuals. Aggrieved Employees, other than Plaintiff, will not be deemed to have released any separate Labor Code (other than PAGA) individual wage claims by virtue of the Settlement.

9. The Court approves the Settlement's schedule for funding and distribution and authorizes mailing of Individual PAGA Payment checks to the 38 identified Aggrieved Employees, along with the Notice of Representative Action Settlement (Lindsay Decl., Exhibit B). With this schedule in mind, the Court hereby sets a non-appearance case review for July 17, 2023 at 2:00 p.m. in Department 1. Counsel through the Settlement Administrator will provide a post-distribution and accounting Declaration by seven days before the review (i.e., July 10, 2023) demonstrating to the Court that all Settlement aspects and requirements have been met and to provide an accounting of the Settlement funds.

10. Without affecting the finality of the Order and Judgment, the Court shall retain exclusive and continuing jurisdiction under California Code of Civil Procedure § 664.6, over the above-captioned action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Date: June 5, 2023

Stuart M. Rice / Judge

Hon. Stuart M. Rice
Superior Court Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 2540 Foothill Blvd., Suite 201 La Crescenta, CA 91214.

On June 1, 2023, I served the foregoing: **[PROPOSED] AMENDED ORDER GRANTING APPROVAL OF THE PARTIES' PRIVATE ATTORNEYS GENERAL ACT SETTLEMENT AGREEMENT AND JUDGMENT** on Interested Parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Joseph Y. Avrahamy
LAW OFFICES OF JOSEPH Y. AVRAHAMY
16530 Ventura Boulevard, Suite 208
Encino, California 91436

[ ] (BY MAIL) I placed such envelope with postage thereon fully paid in the United States mail at La Crescenta, California. I am "readily familiar" with this firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of 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 1 day after date of deposit for mailing in affidavit.

[X] (BY ELECTRONIC SERVICE VIA CASE ANYWHERE) Based on a court order, I caused the above-entitled document(s) to be served through Case Anywhere at www.caseanywhere.com addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the Case Anywhere Filing Receipt Page/Confirmation will be filed, deposited, or maintained with the original document(s) in this office.

[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 1, 2023, at La Crescenta, California.

Natalia Bermudes

Natalia Bermudes

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES **Branch Name:** Spring Street Courthouse **Mailing Address:** 312 North Spring Street **City, State and Zip Code:** Los Angeles CA 90012	
SHORT TITLE: JUAN SALINAS vs CUSTOM DESIGN FUR CORPORATION **NOTICE OF CONFIRMATION OF ELECTRONIC FILING**	**CASE NUMBER:** 21STCV28990

The Electronic Filing described by the below summary data was reviewed and accepted by the Superior Court of California, County of LOS ANGELES. In order to process the filing, the fee shown was assessed.

Electronic Filing Summary Data

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Case Title: JUAN SALINAS vs CUSTOM DESIGN FUR CORPORATION
Location: Spring Street Courthouse
Case Type: Civil Unlimited
Case Category: Other Employment Complaint Case
Jurisdictional Amount: Over $25,000
Notice Generated Date: 06/02/2023
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Order (name extension)	Accepted

Comments
Submitter's Comments:

Clerk's Comments:

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Contact: Legal Connect
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