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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

CESAR RODELAS, individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

BAGATELOS GLASS SYSTEMS, INC., a
California corporation; and DOES 1 through 10,
inclusive,

Defendants

Case No.: 34-2021-00308023-CU-OE-GDS

*[Assigned for All Purposes to the Honorable
Lauri A. Damrell, Department 22]*

**SUPPLEMENTAL DECLARATION OF
KANE MOON IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT AGREEMENT AND
RELEASE OF PAGA CLAIMS PURSUANT
TO LABOR CODE SECTIONS 2698, ET SEQ.**

COMPLIANCE HEARING:

Date: October 25, 2024
Time: 10:30 a.m.
Dept.: 22

Complaint Filed: September 16, 2021
Trial Date: Not set

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1. I am an attorney at law duly licensed to practice as such before all of the Courts of the State of California and am one of the attorneys of record for Plaintiff Cesar Rodelas (“Plaintiff”), individually and in their capacity as representatives of the State of California on behalf of all other allegedly aggrieved employees.

3. On October 10, 2024, the Court issued a Tentative Ruling regarding Plaintiff's Motion to Approve PAGA Settlement Agreement and Release of Claims Pursuant to Labor Code Sections 2689, et seq ("Motion").

4. On October 11, 2024, the Court affirmed the Tentative Ruling, which tentatively granted Plaintiff's Motion, but set a Compliance Hearing for October 25, 2024, requesting a supplemental briefing by October 18, 2024, as to the following concerns:

(a) Court's Concern: Parties must file a signed Amendment to the PAGA Settlement Agreement ("Amendment") that formally clarifies that the scope of the Covered Employees' release only applies to claims for PAGA civil penalties that may be recovered under the Labor Code. Plaintiff shall thereafter file an Amended [Proposed] Order and Amended [Proposed] Judgment incorporating the revised Covered Employees' release.

(b) Court's Concern: Parties shall also file a Joint Stipulation agreeing to incorporate in the Notice of PAGA Action Settlement ("Notice") the revised Covered Employees' release as reflected in the Parties' Amendment. In addition, the Parties are to incorporate in bold font at the top of the Notice the following language: **"This settlement does not release any individual claims that you might have against Defendant outside of PAGA."**

5. As to the Court's Concerns:

(a) The original Covered Employees' Release in the PAGA Settlement Agreement reads:

All Covered Employees (including Plaintiff) 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, rights, demands, liabilities and causes of action that arose during the PAGA Period for civil penalties under the Labor Code, based on acts or omissions alleged or that could have been alleged in the Action based on the facts therein, including the facts, legal theories and allegations in the Operative Complaint in the Action and Plaintiff's PAGA Notice to the LWDA for civil penalties, and any related attorneys' fees, costs, or interest.

(b) Parties have amended the Covered Employees' Release in the Amendment to the PAGA Settlement Agreement attached hereto as **Exhibit 1**, to read:

All Covered Employees (including Plaintiff) 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, rights, demands, liabilities and causes of action that arose during the PAGA Period for PAGA civil penalties under the Labor Code, based on acts or omissions alleged or that could have been alleged in the Action based on the facts therein, including the facts, legal theories and allegations in the Operative Complaint in the Action and Plaintiff's PAGA Notice to the LWDA for PAGA civil penalties, and any related attorneys' fees, costs, or interest. This release specifically excludes any claims for civil penalties recoverable under the Labor Code that are not related to PAGA.

(c) In compliance with Labor Code section 2699, subdivision (1)(2), on October 18, 2024, PAGA Counsel submitted to the LWDA a copy of the proposed Amendment to PAGA Settlement. A true and correct copy of the LWDA's acknowledgment of receipt thereof is attached hereto as **Exhibit 2**.

(d) Parties have further incorporated the amended Covered Employees' release in the amended Notice of PAGA Action Settlement, attached as **Exhibit A** to the concurrently filed Joint Stipulation to Amend the Notice of PAGA Action Settlement ("Stipulation").

(e) Plaintiff also concurrently files an Amended [Proposed] Order and Amended [Proposed] Final Judgment incorporating the revised Covered Employees' release with this Supplemental Declaration.

I declare under penalty of perjury, under the laws of the State of California and the United States,

1 that the foregoing is true and correct.
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4 Executed on October 18, 2024, at Los Angeles, California.

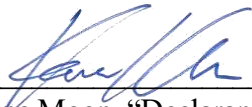
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7 Kane Moon, "Declarant"
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EXHIBIT 1

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Attorneys for Defendant,
BAGATELOS GLASS SYSTEMS, INC.

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COUNTY OF SACRAMENTO

CESAR RODELAS, individually, and on behalf
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[Assigned for All Purposes to the Honorable
Lauri A. Damrell, Department 22]

**AMENDMENT TO PAGA SETTLEMENT
AGREEMENT**

The parties agree that the below sections shall be struck from the PAGA Settlement Agreement and replaced with alternative language in accordance with the Court's October 11, 2024 Tentative Ruling.

A. Section 5 Releases of Claims

Strike the language of Section 5.1 Release by Covered Employees and replace with the following language:

All Covered Employees (including Plaintiff) 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, rights, demands, liabilities and causes of action that arose during the PAGA Period for PAGA civil penalties under the Labor Code, based on acts or omissions alleged or that could have been alleged in the Action based on the facts therein, including the facts, legal theories and allegations in the Operative Complaint in the Action and Plaintiff's PAGA Notice to the LWDA for PAGA civil penalties, and any related attorneys' fees, costs, or interest. This release specifically excludes any claims for civil penalties recoverable under the Labor Code that are not related to PAGA.

The Parties hereby execute the Amendment to the PAGA Settlement Agreement.

Dated: 10/17/2024

Signed by: Cesar Rodelas
By: A3D310F1CD44431.....
Plaintiff Cesar Rodelas

Dated:

Bagatelos Glass Systems, Inc.

By: _____
Print Name

Signature

Title

1 **AMENDMENT TO PAGA SETTLEMENT AGREEMENT**

2 **I. INTRODUCTION**

3 The parties agree that the below sections shall be struck from the PAGA Settlement Agreement
4 and replaced with alternative language in accordance with the Court's October 11, 2024 Tentative
5 Ruling.

6 **II. AMENDMENTS**

7 A. Section 5 Releases of Claims

8 Strike the language of Section 5.1 Release by Covered Employees and replace with the following
9 language:

10 All Covered Employees (including Plaintiff) are deemed to release, on behalf of themselves
11 and their respective former and present representatives, agents, attorneys, heirs,
12 administrators, successors, and assigns, the Released Parties from all claims, rights, demands,
13 liabilities and causes of action that arose during the PAGA Period for PAGA civil penalties
14 under the Labor Code, based on acts or omissions alleged or that could have been alleged in
15 the Action based on the facts therein, including the facts, legal theories and allegations in the
16 Operative Complaint in the Action and Plaintiff's PAGA Notice to the LWDA for PAGA civil
17 penalties, and any related attorneys' fees, costs, or interest. This release specifically excludes
18 any claims for civil penalties recoverable under the Labor Code that are not related to PAGA.

16 **III. EXECUTION BY PARTIES**

17 The Parties hereby execute the Amendment to the PAGA Settlement Agreement.

18 **Plaintiff:**

19 Dated:

By:

Plaintiff Cesar Rodelas

22 **Defendant:**

23 Dated: October 17, 2024

Bagatelos Glass Systems, Inc.

24 By:

CHRIS BAGATELOS
CHIEF EXECUTIVE OFFICER
BAGATELOS GLASS SYSTEMS INC.

Print Name

26 
Signature

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Title

EXHIBIT 2



Thank you for your Proposed Settlement Submission

From DIR PAGA Unit <no-reply@formassembly.com>

Date Fri 10/18/2024 9:58 AM

To Nichelle Christopherson <nchristopherson@moonlawgroup.com>

10/18/2024 09:57:59 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: [http://labor.ca.gov/Private Attorneys General Act.htm](http://labor.ca.gov/Private_Attorneys_General_Act.htm)