

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
2 ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
3 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
4 **GAINES & GAINES, APLC**
4550 East Thousand Oaks Boulevard, Suite 100
5 Westlake Village, CA 91362
Telephone: (818) 703-8985
6 Facsimile: (818) 703-8984

7 Attorneys for Plaintiffs DAVID MEZA and DEREK FOX on behalf of themselves and all
8 “aggrieved employees” pursuant to Labor Code §2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 DAVID MEZA, on behalf of himself and
12 all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

13 Plaintiffs,

14 vs.

15 TRIUNITY JLRLA LLC, a California
16 limited liability company, TRIUNITY
AUTOMOTIVE GROUP LLC., a
17 California limited liability company, and
DOES 1 through 10, inclusive,

18 Defendants.

CASE NO.: 21STCV42514

Assigned to the Hon. Monica Bachner, Dept. 71

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND ENTERING JUDGMENT THEREON**

Complaint Filed: November 18, 2021

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On September 9, 2021, Plaintiff David Meza complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending a letter, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendants Triunity JLRLA LLC and Triunity Automotive Group LLC (“Defendants”), setting forth the facts and theories of the violations alleged against Defendants. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “B” to Gaines Decl.).

2. Plaintiff Meza filed his Representative Action Complaint on November 18, 2021 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7, 510, 512, and 1194 and penalties pursuant to Labor Code § 2699(a) for violations of Labor Code §§ 226.3 and 558. (Gaines Decl. at ¶ 7).

3. On June 8, 2022, Plaintiff Derek Fox complied with the requirements set forth in PAGA by sending a letter, by online submission to the LWDA and by certified mail to Defendants, setting forth the facts and theories of the violations alleged against Defendants. (Gaines Decl. at ¶ 8; Exhibit “C” to Gaines Decl.).

4. Plaintiffs Meza and Fox (“Plaintiffs”) filed their First Amended Representative Action Complaint on December 12, 2022 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7, 246, 510, 512, 1194, and 2802, and penalties pursuant to Labor Code § 2699(a) for violations of Labor Code §§ 226.3 and 558 (the “Action”). (Gaines Decl. at ¶ 9).

5. Defendants deny and continue to deny any liability to Plaintiffs or any other allegedly aggrieved employee for any violations alleged in the Action. (Gaines Decl. at ¶ 11).

6. During the course of the litigation, the Plaintiffs and Defendants (hereinafter Plaintiffs and Defendants are collectively referred to as the “Parties”) engaged in informal discovery and shared the information necessary for all sides to conduct a legitimate investigation

1 into the allegations of the action and potential defenses thereto. The Parties have reached this
2 settlement only after such discovery and investigation was performed, following a mediation with
3 Steven Pearl, Esq. on September 6, 2022. (Gaines Decl. at ¶¶ 10, 12).

4 7. Plaintiffs assessed the value of the PAGA claims (without stacking) to be
5 approximately \$303,700 (at the rate of a \$100 penalty for 3,037 pay periods at issue). (Gaines Decl.
6 at ¶ 13).

7 8. The amount of the settlement is \$250,000, which represents a recovery of 82% of
8 the possible discretionary penalties and includes an apportionment of attorneys' fees and costs and
9 modest general enhancement payments to Plaintiffs. (Gaines Decl. at ¶ 14).

10 9. The Parties agree that the settlement amount represents a fair compromise of the
11 claims, including the related costs of litigation and risk. (Gaines Decl. at ¶ 15).

12 10. Based on their extensive experience litigating over 100 representative actions,
13 counsel for Plaintiffs believes the settlement here is fair and reasonable and warrants approval by
14 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit "A" to Gaines Decl.).

15 11. The Parties request that the Court enter the accompanying order, approving their
16 settlement (attached to the Gaines Declaration as Exhibit "D"), as permitted by Labor Code §
17 2699(l), and entering judgment in accordance with the settlement.

18 **IT IS SO STIPULATED.**

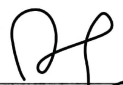
19 Dated: December 15, 2022

20 For Plaintiffs:

For Defendants:

21
22 GAINES & GAINES, APLC

LEWIS BRISBOIS BISGAARD & SMITH
LLP

23
24 By: 

25 DANIEL F. GAINES

By: 

ERIC O. ZEIGER

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1. The Court finds the Settlement was entered into in good faith, that the settlement is fair, reasonable and adequate, and that the settlement satisfies the standards and applicable requirements for approval of PAGA representative actions under California law.

3. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

IT IS SO ORDERED.

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of VENTURA, State of California. I am over the age of 18 and not a party to the
3 within action; my business address is 4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On December 21, 2022, I served the foregoing documents described as **(1) STIPULATION AND**
6 **[PROPOSED] ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS,**
7 **AND ENTERING JUDGMENT THEREON and (2) DECLARATION OF DANIEL GAINES IN SUPPORT OF**
8 **STIPULATION AND [PROPOSED] ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS**
9 **GENERAL ACT CLAIMS AND ENTERING JUDGMENT THEREON** on the interested parties in this action by
10 placing a true copy thereof enclosed in sealed envelopes addressed as follows:

11 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

12 **Jeffrey S. Ranen, Esq.**

13 **Parisa Khademi, Esq.**

14 **Eric O. Zeiger, Esq.**

15 **633 West 5th Street, Suite 4000**

16 **Los Angeles, California 90071**

17 X (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
18 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection
19 and processing correspondence for mailing. It is deposited with United States postal service on that same
20 day in the ordinary course of business. I am aware that on motion of party served, service is presumed
21 invalid if postal cancellation date or postage meter date is more that one day after date of deposit for
22 mailing in affidavit.

23 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
24 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an
25 authorized carrier or driver authorized by the express carrier to receive documents.

26 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Calabasas, California, I served
27 the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule
28 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was
(818)703-8984 and the telephone number(s) of the receiving facsimile machine was (____) ____-____. A
transmission report was properly issued by the sending facsimile machine, and the transmission was
reported as complete and without error. Copies of the facsimile transmission cover sheet and the
transmission report are attached to this proof of service.

29 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the
30 Labor & Workforce Development Agency via online process at the PAGA Filing website
31 (www.dir.ca.gov) in accordance with the procedure imposed by the LWDA.

32 I certify that the above document was printed on recycled paper.

33 I declare under penalty of perjury that the foregoing is true and correct.

34 Executed on December 21, 2022, at Westlake Village, California.

35 Katherine Soriano
36 KATHERINE SORIANO