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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

APR 08 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

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

MARIA COCA OSPINA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

PRECISE INDUSTRIES, INC., a corporation,
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 30-2021-01228457-CU-OE-CXC

**CLASS AND REPRESENTATIVE
ACTION COMPLAINT**

*[[Assigned for all purposes to Judge William
Claster, Dept. CX-101]]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

**PAGA SETTLEMENT APPROVAL
HEARING**

Date: April 5, 2024
Time: 9:00 a.m.
Dept: CX-101

Complaint filed: October 26, 2021
FAC filed: February 9, 2022
Trial date: Not Set

~~PROPOSED~~ ORDER

This matter came on for hearing on April 5, 2024 at 9:00 a.m. in Department CX-101 of the above-entitled Court, the Honorable William Claster presiding. Based on the pleadings on record, all papers submitted in connection with Plaintiff's Notice of Motion and Motion to Approve PAGA Settlement (the "Motion") and Plaintiff's Supplemental Brief in Support of Motion to Approve PAGA Settlement (the "Supplemental Motion"), and for good cause appearing, Plaintiff's Motion is GRANTED.

The Court approves the PAGA Settlement Agreement ("Settlement") entered into by Plaintiff Maria Coca Ospina ("Plaintiff") and Defendant Precise Industries, Inc., ("Defendant," and together with Plaintiff, the "Parties"), and hereby ORDERS as follows:

1. Defendant shall pay the Gross Settlement Amount of \$375,000.00 according to the terms of the Settlement.

2. The Net Settlement Amount means the Gross Settlement Amount minus the following: (a) \$108,750.00 allocated to Attorneys' Fees; (b) \$17,061.57 allocated to litigation costs; (c) \$4,450.00 allocated to Settlement Administrator Costs; and (d) \$5,000.00 allocated to Plaintiff as a Service Award.

(a) The Court approves payment to Plaintiff's counsel, Wilshire Law Firm, of Attorneys' Fees in the amount of One Hundred Eight Thousand Seven Hundred Fifty Dollars (\$108,750.00), to be paid from the Gross Settlement Amount.

(b) The Court approves payment to Plaintiff's counsel, Wilshire Law Firm, of litigation costs in the amount of Seventeen Thousand Sixty-One Dollar and Fifty-Seven Cents (\$17,061.57), to be paid from the Gross Settlement Amount.

(c) The Court approves payment to the Settlement Administrator, Apex Class Action, for its reasonable costs and fees to administer the Settlement of Four Thousand Four Hundred Fifty Dollars (\$4,450.00), to be paid from the Gross Settlement Amount.

1 (d) The Court approves Five Thousand Dollars (\$5,000.00) to be paid to
2 Plaintiff as a Service Payment for his efforts as a named plaintiff and
3 representative for other PAGA Employees and the State of California, to
4 be paid from the Gross Settlement Amount.

5 3. Of the Net Settlement Amount, 75% is allocated to the California Labor and
6 Workforce Development Agency ("LWDA"); and 25% is allocated to the Individual PAGA
7 Payments.

8 4. The "PAGA Period" is defined as the period from December 19, 2019 through
9 March 31, 2023.

10 5. The "PAGA Employees" or "Aggrieved Employees" are defined as all persons
11 who were engaged by Defendant as hourly-paid employees in California at any time from
12 October 26, 2020 to April 4, 2023. The PAGA Employees are bound by the release outlined in
13 Paragraph 5 of the Settlement Agreement.

14 6. "Effective Date" means the date by when the Court enters a Judgment on its Order
15 Approving the PAGA Settlement.

16 7. The Court directs Defendant to fully fund the Gross Settlement Amount by
17 transmitting the funds to the Settlement Administrator within 14 days of the Effective Date.

18 8. The amount of each Aggrieved Employee's Individual PAGA Payment will be
19 calculated as follows: For each individual, this share is calculated according to the number of
20 Pay Periods the Aggrieved Employee worked during the PAGA Period.

21 9. The Court directs the Parties and the Settlement Administrator to carry out the
22 terms of the Settlement.

23 10. Under California Code of Civil Procedure section 664.6, the Court retains
24 jurisdiction over the Parties to enforce the Settlement until performance in full of the
25 Settlement's terms.

26 11. Plaintiff's counsel shall submit a copy of this Order to the LWDA within seven
27 (7) days of the entry of the Order.

28 12. The above-referenced action and all claims asserted by Plaintiff individually and

1 in a representative capacity are hereby dismissed with prejudice.

2 13. Plaintiff shall give notice.

3
4 DATE: 4-8-24



5 Honorable Hon. William Claster
6 Orange County Superior Court Judge
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PROOF OF SERVICE

Maria Coca Ospina v. Precise Industries, Inc., et al.
30-2021-01228457-CU-OE-CXC

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Dariane Rose, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is drose@wilshirelawfirm.com.

On April 5, 2024, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE PAGA SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Kevin J. Abbott (SBN 281312)
kabbott@fennermorelaw.com
FENNEMORE LLP
550 E. Hospitality Lane, Suite 350
San Bernardino, CA 92408-4205
Telephone: (909) 890-4499
Facsimile: (909) 890-9877

Attorneys for Defendant Precise Industries, Inc.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on April 5, 2024, at Los Angeles, California.


Dariane Rose