

Justin F. Marquez (SBN 262417)
justin@wilshirelawfirm.com
Benjamin H. Haber (SBN 315664)
benjamin@wilshirelawfirm.com
Daniel J. Kramer (SBN 314625)
dkramer@wilshirelawfirm.com

WILSHIRE LAW FIRM

3055 Wilshire Blvd., 12th Floor
Los Angeles, California 90010
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – POMONA COURTHOUSE**

LABRI J. MELZER, on behalf of the State of
California and other aggrieved persons,

Plaintiff,

v.

D. LONGO, LLC, a California Limited Liability
Company; PENSKE MOTOR GROUP, LLC, a
California Limited Liability Company; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 21PSCV01025

PAGA REPRESENTATIVE ACTION

*[Assigned for all purposes to: Hon. Salvatore
Sirna, Dept. A]*

**NOTICE OF ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Complaint filed: December 7, 2021
Trial date: Not Set

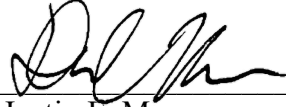
1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that the Court in the above-referenced matter has granted
3 Plaintiff's Motion to Approve PAGA Settlement. A true and correct copy of the Order
4 Granting Plaintiff's Motion to Approve PAGA Settlement is attached hereto as **Exhibit A**.

5
6 Respectfully submitted,

7 Dated: December 15, 2022

WILSHIRE LAW FIRM

8
9 By:  _____

Justin F. Marquez
Benjamin H. Haber
Daniel J. Kramer

10
11 Attorneys for Plaintiff
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Justin F. Marquez (SBN 262417)
justin@wilshirelawfirm.com
Benjamin H. Haber (SBN 315664)
benjamin@wilshirelawfirm.com
Daniel J. Kramer (SBN 314625)
dkramer@wilshirelawfirm.com
WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
Los Angeles, California 90010
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – POMONA COURTHOUSE**

LABRI J. MELZER, on behalf of the State of
California and other aggrieved persons,

Plaintiff,

v.

D. LONGO, LLC, a California Limited Liability
Company; PENSKE MOTOR GROUP, LLC, a
California Limited Liability Company; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 21PSCV01025

PAGA REPRESENTATIVE ACTION

[Assigned for all purposes to: Hon. Salvatore
Sirna, Dept. A]

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

Date: November 29, 2022
Time: 8:30 a.m.
Dept.: A

Complaint filed: December 7, 2021
Trial date: Not Set

PROPOSED ORDER

This matter came on for hearing on November 29, 2022 at 8:30 a.m. in Department A of the above-entitled Court, the Honorable Salvatore Sirna 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 for good cause appearing, Plaintiff's Motion is GRANTED.

The Court approves the PAGA Settlement Agreement ("Settlement") entered into by Plaintiff Labri J. Melzer ("Plaintiff") and Defendants D. Longo, LLC and Penske Motor Group, LLC ("Defendants," and together with Plaintiff, the "Parties"), and hereby ORDERS as follows:

1. Defendants shall pay the Gross Settlement Amount of \$440,000.00 according to the terms of the Settlement.

2. The Net Settlement Amount means the Gross Settlement Amount minus the following: (a) \$146,666.67 allocated to Attorneys' Fees; (b) \$12,698.84 allocated to litigation costs; (c) \$10,000 allocated to Settlement Administrator Costs; and (d) \$5,000 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 and Forty-Six Thousand Dollars and Sixty-Seven Cents (\$146,666.67), 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 Twelve Thousand, Six Hundred Ninety-Eight Dollars and Eighty-Four Cents (\$12, 698.84), to be paid from the Gross Settlement Amount.

(c) The Court approves payment to the Settlement Administrator, CPT Group, Inc., for its reasonable costs and fees to administer the Settlement, not to exceed Ten Thousand Dollars and Zero Cents (\$10,000.00), to be paid from the Gross Settlement Amount.

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

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

4. The “PAGA Period” is defined as the period from April 6, 2020 to August 15, 2022.

5. The “PAGA Settlement Group Members” or “Aggrieved Employees” are defined as all current and former non-exempt employees of Longo Toyota who worked in the State of California from April 6, 2020 through the date that the Court enters the order granting approval of the settlement or August 15, 2022, whichever occurs sooner. The PAGA Employees are bound by the release outlined in Section III(P) of the Settlement Agreement.

6. “Effective Date” means two court days after: (a) the Parties are notified of entry of the Court’s Order granting approval of the Settlement, if no timely motions for reconsideration and no appeals or other efforts to obtain review have been filed; or (b) in the event that an appeal or other effort to obtain reconsideration or review has been initiated, the date sixty-one (61) calendar days after such appeal or other reconsideration or review has been finally concluded in favor of the order granting approval of the Settlement and the order granting approval of the Settlement is no longer subject to review, whether by appeal, petitions for rehearing, petitions for rehearing en banc, petitions for certiorari, or otherwise and funding of the Settlement Payments.

7. The Court directs Defendants to, within 15 business days after the Effective Date, transfer the Gross Settlement Amount to the Settlement Administrator via wire transfer. The Settlement Administrator will then distribute the payments required under this Agreement within 10 business days of receipt of the Gross Settlement Amount.

8. The amount of each Aggrieved Employee’s Individual PAGA Payment will be calculated as follows: (a) the Net Settlement Amount shall be divided by the total number of pay periods worked by PAGA Settlement Group Members during the Covered Period to determine a

“per pay period value”; and (b) the per pay period value will then be multiplied by the applicable pay period for each period to determine the individual settlement share.

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

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

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

12. The Court sets an Order to Show Cause re: Dismissal hearing for March 2, 2023 at 8:30 a.m. in Department A of the Los Angeles Superior Court, Pomona Courthouse. Absent a showing of good cause, the above-referenced action and all claims asserted by Plaintiff individually and in a representative capacity will be dismissed with prejudice.

13. Plaintiff shall give notice.

DATE: 11/29/2022



A handwritten signature in black ink, appearing to read "Salvatore S. Sirna", written over a horizontal line.

Honorable Salvatore Sirna,
Los Angeles County Superior Court Judge
Salvatore Sirna / Judge

Melzer v. D. Longo, LLC, et al.
21PSCV01025

I, Rebecca Padilla, 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 rpadilla@wilshirelawfirm.com.

On December 15, 2022, I served the foregoing **NOTICE OF 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:

Omar M. Aniff (SBN 315446)
Omar.aniff@ogletreedeakins.com

Sally Navarrete
sally.navarrete@ogletreedeakins.com

400 South Hope Street, Suite 1200
Los Angeles, California 90071

Telephone: (213) 239-9800
Facsimile: (213) 239-9045

Attorneys for Defendants, D. Longo, LLC and Penske Motor Group, LLC

- (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.
- (X) **BY MAIL:** I enclosed the above documents in a sealed envelope with postage thereon fully prepaid and placed for collection and mailing on the above date in accordance with ordinary business practices. I am readily familiar with this firm's practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service the same day in the ordinary course of business pursuant to Cal. Code Civ. Proc. § 1013(a).
- (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.

///

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

3 Executed on December 15, 2022, at Los Angeles, California.

4 
5 _____
6 Rebecca Padilla
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28