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7 Attorneys for Plaintiff Blanca Melendrez, on behalf of herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 BLANCA MELENDREZ, on behalf of
herself and all “aggrieved employees”
12 pursuant to Labor Code § 2698 *et seq.*,

13 Plaintiffs,

14 v.

15 DNA SPECIALTY, INC., a California
corporation, and DOES 1 through 10,
16 inclusive,

17 Defendants.

Case No. 22CMCV00027

Assigned to the Hon. Michael A. Shultz, Dept. A

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

Complaint Filed: January 28, 2022

STIPULATION

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

1. On November 24, 2021, Plaintiff Blanca Melendrez (“Plaintiff”) 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 Defendant DNA SPECIALTY, INC. (“Defendant”) (hereinafter Plaintiff and Defendant are collectively referred to as the “Parties”), setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “B” to Gaines Decl.).

2. Plaintiff filed her Representative Action Complaint on January 28, 2022 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7, 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 ¶ 7).

3. Defendant denied and continues to deny any liability to Plaintiff or any other allegedly aggrieved employee for any violations alleged in the Action. (Gaines Decl. at ¶ 8).

4. The Parties directly negotiated the settlement without the assistance of a mediator in the interest of avoiding unnecessary costs that would have inevitably been borne from the Gross Settlement Amount and the Aggrieved Employees. (Gaines Decl. at ¶ 9).

5. Based on the information and documents obtained through informal discovery, Plaintiff assessed the value of the PAGA claims (without stacking) to be approximately \$93,200 (at the rate of a \$100 penalty for 932 pay periods at issue). (Gaines Decl. at ¶ 10).

6. The amount of the settlement is \$72,500, which represents a recovery of over 77% of the possible discretionary penalties and includes an apportionment of attorneys’ fees and costs and a modest general release payment to Plaintiff Melendrez. This discount was warranted based on the risk inherent in continued litigation. (Gaines Decl. at ¶ 11).

7. The Parties agree that the settlement amount represents a fair compromise of the claims, including the related costs of litigation and risk. (Gaines Decl. at ¶ 12).

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

4 9. The Parties request that the Court enter the accompanying order, approving their
5 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
6 2699(1), and entering Judgment in accordance with the terms and conditions of the Settlement
7 Agreement.

8 **IT IS SO STIPULATED.**

9 Dated: August 29, 2022

10 For Plaintiff:

For Defendant:

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12 GAINES & GAINES, APLC

BALLARD ROSENBERG GOLPER &
SAVITT, LLP

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15 By: Daniel F. Gaines
16 DANIEL F. GAINES

By: David J. Fishman
DAVID FISHMAN

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ORDER AND JUDGMENT

The Court, having reviewed the Parties' Private Attorneys General Act Settlement Agreement (the "Settlement" or "Settlement Agreement") attached as Exhibit "C" to the concurrently-filed Declaration of Daniel F. Gaines, together with the Stipulation of the Parties and the Declaration of Daniel F. Gaines and exhibits attached thereto, hereby ORDERS AND ADJUDGES:

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.

2. The Court approves the penalties to be paid to the aggrieved employees and the State of California as set forth in the Settlement, pursuant to Labor Code § 2699(1). The Court further approves all payments to be made to Plaintiff's counsel, Plaintiff Melendrez, and the Settlement Administrator, based on the terms of the Settlement.

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

4. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto.

5. Judgment is hereby entered in accordance with the Settlement Agreement.

IT IS SO ORDERED.

Dated: _____

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 Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On August 29, 2022, I served the foregoing documents described as **(1) STIPULATION AND**
6 **[PROPOSED] ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT**
7 **CLAIMS, AND ENTERING JUDGMENT THEREON and (2) DECLARATION OF DANIEL GAINES IN**
8 **SUPPORT OF STIPULATION AND [PROPOSED] ORDER APPROVING SETTLEMENT OF PRIVATE**
9 **ATTORNEYS GENERAL ACT CLAIMS AND ENTERING JUDGMENT THEREON** on the interested parties in
10 this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

11 **David Fishman, Esq.**
12 **Teri A. Gibbs, Esq.**
13 **BALLARD ROSENBERG GOLPER & SAVITT, LLP**
14 **15760 Ventura Boulevard, 18th Floor**
15 **Encino, CA 91436**
16 dfishman@brgslaw.com
17 tgibbs@brgslaw.com
18 laguilar@brgslaw.com
19 dsalter@brgslaw.com

20 On the above date:

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

26 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Westlake Village, California,
27 I served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
28 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.

____X____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
transmission via email on the counsel of record listed above.

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

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

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

Executed on August 29, 2022, at Westlake Village, California.

27 *Jeremy Reyes*
28 JEREMY REYES