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Attorneys for Plaintiff Desiree Berry

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

06/18/2024 at 08:59:00 AM

Clerk of the Superior Court
By E- Filing, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

DESIREE BERRY *et al.*

Plaintiff,

vs.

TD AMERITRADE, INC. *et al.*

Defendants.

Case No. 37-2022-00004165-CU-OE-CTL

Hon. Blaine K. Bowman
Dept. 74

**Notice of Entry of Order Granting PAGA
Settlement Approval and Entering Judgment**

Action Filed: February 1, 2022

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
2 TAKE NOTICE THAT:

3 1. On June 7, 2024, at 8:30 a.m. in this Department, the Court entered the Order Granting
4 Approval of the PAGA Action Settlement and Attorneys' Fees and Costs and Entering Judgment
5 attached hereto as Exhibit 1.

6 2. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

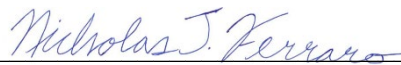
7 3. A conformed copy of this Notice will be submitted to the LWDA via its online
8 electronic portal in accordance with Labor Code § 2699(1)(3).

9 4. Notice of the Court's final ruling and entry of judgment is hereby provided.
10

11 Respectfully submitted,

12 Dated: June 12, 2024

Ferraro Vega Employment Lawyers, Inc.

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15 Nicholas J. Ferraro

16 Attorneys for Plaintiff Desiree Berry
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Exhibit 1

FILED
San Diego Superior Court

JUN 07 2024

Clerk of the Superior Court
By: K. Mulligan, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO SUPERIOR COURT**

DESIREE BERRY, *et al.*

Plaintiff,

vs.

TD AMERITRADE, INC., *et al.*

Defendants.

Case No. 37-2022-00004165-CU-OE-CTL

Hon. Blaine K. Bowman
Dept. 74

**[Proposed] Order Granting Approval of PAGA
Action Settlement and Attorneys' Fees and Costs
and Entering Judgment**

Motion for PAGA Settlement Approval/Attorneys'
Fees:

Date: June 7, 2024

Time: 8:30 a.m.

[Filed concurrently with Notice of Motion and Motion
for Approval of PAGA Action Settlement and
Attorneys' Fees and Costs, Memorandum of Points
and Authorities, Declaration of Nicholas J. Ferraro,
and Declaration of Desiree Berry]

Action Filed: February 1, 2022

**[Proposed] Order Granting Approval of PAGA Action Settlement and
Attorneys' Fees and Costs and Entering Judgment**

1 This matter came on for hearing on June 7, 2024 at 8:30 a.m. in Department 74 of the above-
2 captioned Court, the Honorable Blaine K. Bowman presiding, on Plaintiff's Motion for Approval of
3 PAGA Action Settlement and for Attorneys' Fees and Costs.

4 Having received and considered the motions and supporting papers, including the PAGA
5 Settlement Agreement ("Settlement"), the evidence and documents received by the Court in connection
6 with the Motions for Approval of PAGA Action Settlement and Attorneys' Fees and Costs, the Court
7 GRANTS APPROVAL of the Settlement and ORDERS AND MAKES THE FOLLOWING
8 DETERMINATIONS:

9 The PAGA Settlement Approval is **GRANTED** and approved pursuant to California Labor
10 Code section 2699(l)(2). The terms of the Settlement are incorporated into this Order as though fully
11 set forth herein. After the attorneys' fees, individual enhancement, costs, and administrator's expenses
12 are deducted from the Gross Settlement Amount, the Net Settlement Amount is \$523,619.31, of which
13 75% (\$392,714.48) shall be distributed to the LWDA and the remaining 25% (\$130,628.83) shall be
14 distributed to the aggrieved employees as their share of PAGA penalties.

15 Accordingly, the \$840,000 gross settlement shall be distributed as follows:

- 16 1. \$392,714.48 to the Labor and Workforce Development Agency for PAGA penalties
- 17 2. \$130,904.83 to the PAGA Employees
- 18 3. \$10,000.00 to Plaintiff as an enhancement payment
- 19 4. \$279,972 to Plaintiff's counsel for attorneys' fees
- 20 5. \$17,512.69 to Plaintiff's counsel for costs
- 21 6. \$8,896.00 to the Settlement Administrator

22 Plaintiff, Defendant, and the Settlement Administrator are ordered to carry out the terms of the
23 settlement in accordance with the Settlement Agreement.

24 The Court retains jurisdiction over the parties to enforce the terms of the Settlement.

25 Without affecting the finality of this Order or the entry of judgment in any way, the Court retains
26 jurisdiction of all matters relating to the interpretation, administration, implementation, and
27 enforcement of this Order and the Settlement.

1 Nothing in this Order shall preclude any action to enforce the Parties' obligations under the
2 Settlement or under this Order, including the requirement that Defendant make payments to PAGA
3 Members in accordance with the Settlement.

4 The Court hereby ENTERS JUDGMENT in accordance with the terms of the Settlement, in
5 accordance with this Approval Order and Judgment.

6
7 **IT IS SO ORDERED.**

8
9 Date: 6-7-24


The Honorable Blaine K. Bowman
Judge of the Superior Court

Exhibit 2

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - June 06, 2024

EVENT DATE: 06/07/2024

EVENT TIME: 08:30:00 AM

DEPT.: C-74

JUDICIAL OFFICER: Blaine K. Bowman

CASE NO.: 37-2022-00004165-CU-OE-CTL

CASE TITLE: BERRY VS TD AMERITRADE INC [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED:

This motion has been properly noticed, with proof of service on file.

Plaintiff Desiree Berry's unopposed motion for approval of Private Attorneys General Act (PAGA) representative action settlement is GRANTED. Labor Code § 2699(l)(2). The court finds the settlement is "fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." *Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.

The court signs the order/judgment submitted.

The Status Conference set for hearing at 10:30am is off calendar.

Unless the ruling(s) above indicate that an appearance is necessary, parties who wish to submit, who are satisfied with the above tentative ruling(s), and/or who do not otherwise wish to argue the motion(s) are encouraged to give notice to the Court and each other of their intention not to appear.