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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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

JUAN VIDAL, as an individual and on behalf
of all others similarly situated,

Plaintiff,

vs.

ROYAL WEST DRYWALL, INC., a
California corporation; and DOES 1 through
100,

Defendants.

Case No. CVRI2105729

[Assigned for all purposes to Hon. Harold
W. Hopp in Dept. 10]

**~~PROPOSED~~ JUDGMENT AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR APPROVAL OF
SETTLEMENT OF CLAIMS
BROUGHT UNDER THE PRIVATE
ATTORNEYS' GENERAL ACT,
REASONABLE ATTORNEYS' FEES,
COSTS, AND ENHANCEMENT
AWARD**

Date: January 5, 2023
Time: 8:30 a.m.
Dept.: 10

Reservation ID: 071572515468

Complaint filed: December 21, 2021
Trial Date: None Set.

[PROPOSED] JUDGEMENT AND ORDER GRANTING MOTION FOR APPROVAL OF PAGA SETTLEMENT

1 This matter came on regularly for hearing before this Court on January 5, 2023 at 8:30
2 a.m. Having considered the Parties' Settlement Agreement ("Settlement");¹ the documents and
3 evidence presented in support thereof; and recognizing the disputed factual and legal issues
4 involved in this case; the risks of further prosecution, the substantial benefits to be received by
5 the State of California and the Aggrieved Employees pursuant to the Settlement; and the fair,
6 reasonable, and adequate nature of the settlement obtained as a result of good faith arm's-length
7 negotiations between the parties, the Court hereby makes a final ruling that the Settlement is
8 approved pursuant to Labor Code section 2699(1). Good cause appearing therefore, the Court
9 hereby GRANTS Plaintiff Juan Vidal's ("Plaintiff") Motion for Approval of Settlement of
10 Claims Brought Under the Private Attorneys General Act ("PAGA") and Reasonable Attorneys'
11 Fees, Costs, and Enhancement Payment ("Motion"), and ORDERS as follows:

12 1. The "Aggrieved Employees" shall be defined as all current and former non-
13 exempt employees who worked for Royal West in California at any time during the PAGA
14 Period. The "PAGA Period" means December 22, 2020, through the date of the Court Order
15 granting approval of the PAGA Settlement.

16 2. The California Labor Workforce and Development Agency ("LWDA") has been
17 provided notice of the Settlement in accordance with PAGA, California Labor Code § 2699(1)(2),
18 (1)(4). In particular, on the date Plaintiff filed a Motion seeking approval of the Settlement with
19 the Court, Plaintiff submitted to the LWDA a notice of the Settlement enclosing a copy of the
20 Settlement Agreement. Plaintiff's notice of the Settlement to the LWDA complied with the notice
21 requirements of PAGA.

22 3. The Court hereby approves the settlement as set forth in the Settlement as fair,
23 reasonable, and adequate, and directs the parties to effectuate the Settlement according to its
24 terms.

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28 ¹ All terms used in this Order shall have the same meaning as that assigned to them in the
Settlement Agreement, which is attached as Exhibit 1 to the Declaration of Sean M. Blakely
submitted concurrently with the Motion.

1 4. The Court orders that Defendant shall deposit the Gross Settlement Amount of
2 \$410,000.00 into a Qualified Settlement Account within thirty (30) of this Order, pursuant to the
3 terms of this Settlement.

4 5. The Court hereby approves, as to form and content, the Explanatory Letter
5 submitted by the parties and included as Exhibit A to the Settlement.

6 6. The Court hereby appoints Phoenix Settlement Administrators as the Settlement
7 Administrator.

8 7. Within thirty (30) business days of this Order, Defendant shall provide the
9 Settlement Administrator with a list containing each Aggrieved Employee's full name, last
10 known mailing address, number of pay periods worked during the PAGA Period, and Social
11 Security numbers to the extent available from Defendant's records, pursuant to the terms of the
12 Settlement.

13 8. The Settlement Administrator is directed to mail the Individual PAGA Payments
14 and the Explanatory Letter to the Aggrieved Employees within twenty-one (21) days of the Gross
15 Settlement Amount being fully funded and after receiving approval from counsel of the payment
16 calculations, pursuant to the terms of the Settlement.

17 9. The Court finds that attorneys' fees in the amount of one-third of the Gross
18 Settlement Amount (currently estimated to be \$136,666.67) for Plaintiff's Counsel, and
19 reimbursement of litigation costs of up to \$10,390.07 to Plaintiff's Counsel, are fair, reasonable,
20 and adequate, and orders the Settlement Administrator to distribute these payments to Plaintiff's
21 Counsel as provided for in the Settlement Agreement.

22 10. The Court orders that the Settlement Administrator shall be paid up to \$5,750.00
23 for all of its work done and to be done until the completion of this matter, and finds that sum
24 appropriate.

25 11. The Court finds that the requested Enhancement Payment of \$5,000.00 to Plaintiff
26 is fair, adequate, and reasonable in recognition of the unique contributions he made and the risks
27 he undertook, on behalf of the Aggrieved Employees and the State of California, and orders that
28 the Settlement Administrator distribute this payment to Plaintiff as provided for in the Settlement

1 Agreement.

2 12. The Court finds that the amount of \$189,144.95, representing 75% of the Net
3 Settlement Amount, allocated as PAGA civil penalties under the Settlement, to be paid to the
4 California Labor and Workforce Development Agency ("LWDA") as provided for by the
5 Settlement, is fair, adequate, and reasonable, and orders that payment be made to the LWDA in
6 accordance with the terms of the Settlement Agreement. The Court further finds that the amount
7 of \$63,048.31, representing 25% of the Net Settlement Amount, allocated as PAGA civil
8 penalties under the Settlement, to be paid to the Aggrieved Employees (i.e., Individual PAGA
9 Payments) as provided for by the Settlement, is fair, adequate, and reasonable, and orders that
10 payment be made to Aggrieved Employees on a pro rata basis in accordance with the terms of
11 the Settlement and this Order.

12 13. Checks for Individual PAGA Payments sent to Aggrieved Employees shall be
13 valid for 180 days after issuance. Funds remaining from any checks for Individual PAGA
14 Payments uncashed for more than 180 days after issuance, shall be sent to the State Controller's
15 Office Unclaimed Property Division in the name of the Aggrieved Employee.

16 14. The Court approves the scope of the release as set forth in the Settlement.
17 Following entry of this Judgment and Order and the Settlement being fully funded, Plaintiff and
18 the State of California will release the PAGA Released Claims against the Released Parties that
19 arose during the PAGA Period. Upon entry of the Order approving the settlement and judgment
20 entered thereon and the Settlement being fully funded, Plaintiff and the State of California will
21 be forever barred from pursuing any and all of the PAGA Released Claims that arose during the
22 PAGA Period against the Released Parties.

23 15. Plaintiff is directed to submit a copy of this Order and entry of judgment to the
24 LWDA within ten (10) calendar days of the date of this Order and entry of judgment.

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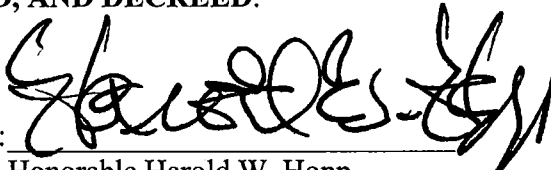
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1 16. Plaintiff shall file a declaration confirming the final distribution of funds on or
2 before 11/11, 2023.

3 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

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5 Dated: 1/5/23

6 By: 
7 Honorable Harold W. Hopp
8 Judge of the Superior Court
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