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 individually and as a proxy for the State of California

FILED
 Superior Court of California
 County of Los Angeles

06/20/2023

David W. Slayton, Executive Officer / Clerk of Court

By: J. Araujo Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

[UNLIMITED CIVIL]

ERNESTO SANDOVAL, an individual, and as
 a proxy for the State of California,

Plaintiff,

vs.

CAPELLA, INC., a corporation; and SHIRAN
 ARNALDES a/k/a SHIRAN MOSHEHAI, an
 individual; DOES 1 through 5, inclusive,

Defendants.

Case No.: 22STCV27600

*Assigned for All Purposes to the Hon. Judge
 Michael Small in Dept. 57*

**~~[PROPOSED]~~ ORDER APPROVING
 PAGA SETTLEMENT**

Complaint Filed: August 24, 2022
 Trial Date: None Set

The Court has read and considered the motion of Plaintiff ERNESTO SANDOVAL (“Plaintiff”) for approval of the Los Angeles County Case No. 22STCV27600 Settlement Agreement between Plaintiff and Defendants CAPELLA, INC. (“Capella”) and Shiran Arnaldes (collectively “Defendants”) (“PAGA Settlement Agreement”), of the California Labor Code Private Attorneys General Act of 2004 (“PAGA”) cause of action (“PAGA Action”), and all the supplemental briefing filed by the parties. The motion for approval of the parties’ PAGA settlement is GRANTED. 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.*, 72 Cal.App.5th 56, 72 (2021). The Court also approves the current form of the notice.

Defendants shall pay **\$11,250.00** as the PAGA Settlement Amount (“PSA”) in settlement of the PAGA Action. The relevant settlement period for the PAGA claims is from July 8, 2021, through the

date of this Order (“PAGA Period”). The group of allegedly aggrieved employees affected by the Agreement are all individuals who performed services for Capella in the capacity of an HVAC installer, repairperson, or technician, in California, whether as an independent contractor or non-exempt employee, at any time during the PAGA Period (“Aggrieved Employees”).

Settlement payments shall be distributed by Phoenix Settlement Administrators (“Administrator”). The Court orders the following distributions from the PSA:

1. The rate of \$595/hour is reasonable for plaintiff’s attorney’s fees and the lodestar reasonable. Defendant shall pay to Plaintiff’s counsel thirty-three percent (33%) of the PSA, which is \$3,712.50, and shall pay \$900.00 for litigation costs and expenses.
2. Administration costs in the amount of \$1,000.00.
3. The “Net Settlement Amount” is the balance after deducting the sums from paragraphs 1-2 above. The Net Settlement Amount is to be paid to the LWDA and to the Aggrieved Employees.
 - a. Defendants shall pay 75% from the Net Settlement Amount the California Labor and Workforce Development Agency pursuant to Labor Code section 2699(i).
 - b. Defendant shall pay 25% from the Net Settlement Amount to the Aggrieved Employees, calculated *pro rata* according to the number of pay periods the Aggrieved Employee worked during the PAGA Period. The Settlement Administrator will report the individual PAGA payments on IRS 1099 Forms.
4. For any Aggrieved Employee whose individual PAGA settlement check is uncashed and canceled after the 180 days void date, the Administrator shall transmit the funds represented by such checks to the California Controller’s Unclaimed Property Fund in the name of the Aggrieved Employee.
5. The Court also approves the current form of the notice as provided in Exhibit B to the May 23, 2023, declaration of Matthew Gutierrez. The Administrator shall send the PAGA settlement checks to the Aggrieved Employees with the current form of the notice.

IT IS SO ORDERED.



Michael Small / Judge

Dated: 06/20/2023

Hon. Judge Michael Small
Judge of the Superior Court of the State of
California

PROOF OF SERVICE - 22STCV27600

I, the undersigned, am over the age of eighteen years and not a party to this action.

On the date set forth below, I served the foregoing document(s) described as:

[PROPOSED] ORDER APPROVING PAGA SETTLEMENT

I served the foregoing document(s) on the interested parties in this action, as follows:

Benjamin Davis, Esq.
bdavidson@bendavidsonlaw.com
paralegal@bendavidsonlaw.com
Law Offices of Benjamin Davidson, Suite 101,
Redondo Beach, CA 90277

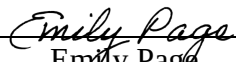
Attorneys for Defendants, CAPELLA, INC., and SHIRAN ARNALDES

____ BY MAIL: I served the documents from within California by enclosing them in an envelope and depositing the sealed envelope at a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service, with postage fully prepaid.

____ BY OVERNIGHT DELIVERY: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses indicated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

X BY ELECTRONIC SERVICE: Pursuant to Code of Civil Procedure section 1010.6, or a court order, or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addressed indicated above. The documents to be sent to the persons at the electronic service addressed indicated above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 23, 2023.


Emily Page