

07/10/2023

David W. Slayton, Executive Officer / Clerk of Court

By: D. Provencio Deputy

Electronically Received 07/05/2023 04:54 PM

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10 *Attorneys for Joseph Gamil and Marie Gamil*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES – GLENDALE COURTHOUSE**

13 JOSEPH GAMIL AND MARIE GAMIL,
14 individually and on behalf of all other
15 Aggrieved Employees;

16 Plaintiff,

17 vs.

18 444-448 W. WINDSOR, LLC, a Delaware
19 Limited Liability Company; CODA
20 EQUITIES, LLC, a Delaware Limited Liability
21 Company; CODA EQUITIES II, LLC, a
22 Delaware Limited Liability Company; CODA
23 MANAGEMENT INC., a Delaware
24 Corporation; WESTERN HOLDINGS
25 GROUP, a California Corporation; DRU
26 BOYARSKY, an individual; and DOES 1
27 through 100, inclusive

28 DEFENDANTS.

Case No. 22GDCV00100

*[Assigned for all purposes to the Honorable
David A. Rosen, Dept. E]*

~~PROPOSED~~ FINAL JUDGMENT

*[FILED CONCURRENTLY WITH STIPULATION
REQUESTING APPROVAL OF PAGA
SETTLEMENT; DECLARATION OF HAIG B.
KAZANDJIAN IN SUPPORT THEREOF; AND
[PROPOSED] ORDER APPROVING PAGA
SETTLEMENT]*

Complaint Filed: February 25, 2022

Trial Date: None

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The Court has received and considered the stipulation—between Plaintiffs JOSEPH GAMIL and MARIE GAMIL (“Plaintiffs”) on one hand, and Defendants 444-448 W. WINDSOR, LLC; CODA EQUITIES, LLC; CODA EQUITIES II, LLC; CODA MANAGEMENT INC.; WESTERN HOLDINGS GROUP; and DRU BOYARSKY on the other hand (“Defendants”)—for approval of the California Private Attorneys General Act of 2004, Labor Code § 2698, *et seq.* (“PAGA”) Settlement Agreement (“PAGA Settlement Agreement” or “PAGA Settlement”) entered into between Plaintiffs, on their own behalf and on behalf of the State of California and of “Aggrieved Employees”; acting as private attorney general under the PAGA, and Defendants, and has entered an Order Approving the PAGA Settlement.

NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:

Judgment shall be entered in accordance with the Court’s Order Approving the PAGA Settlement and the Parties’ PAGA Settlement Agreement.¹

The Judgment is entered and allocated as follows:

- (a) PAGA Counsel’s attorneys’ fees in the amount of \$10,000.00, which is 40% of the \$25,000.00 PAGA Gross Settlement Amount;
- (b) PAGA Counsel’s litigation costs in the amount of \$4,888.01;
- (c) PAGA Settlement Administration costs of no more than \$2,200.00 to be paid to the court-approved Settlement Administrator, Phoenix Settlement Administrators; and
- (d) The remainder of the PAGA Gross Settlement Amount after deducting items (a), (b), and (c), which are estimated to be \$7,911.99 (herein shall be designated as PAGA Penalties), will be allocated between the California Labor & Workforce Development Agency (“LWDA”) and the Aggrieved Employees pursuant to Labor Code section 2699(i) with 75% paid to the LWDA (\$5,933.99) and 25% paid to the Aggrieved Employees on a pro rata basis (\$1,978.00).

The Court is not making any findings as to the merits of the claims asserted in this Action

¹ The Parties’ PAGA Settlement Agreement is attached as Exhibit 1 to the Declaration of Haig B. Kazandjian in support of the Stipulation Requesting Approval of the PAGA Settlement.

1 and nothing herein is intended or shall be construed as an admission of liability or wrongdoing
2 by Defendants or any other entity.

3 Defendants shall have no further liability for costs, expenses, interests, attorneys' fees, or
4 for any other charge, expense or liability and shall be released from all Covered Claims, all as
5 set forth in the PAGA Settlement Agreement and Order for Approval of the PAGA Settlement.
6 This "Judgment" is intended to be a final disposition of the above captioned action in its entirety
7 and is intended to be immediately appealable.

8 The Court's Order Approving the PAGA Settlement is hereby incorporated here in full by
9 reference.

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11 DATED: 07/10/2023



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A handwritten signature in black ink, appearing to read "David A. Rosen", is written over a horizontal line.

Honorable David A. Rosen
David A. Rosen / Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 801 North Brand Boulevard, Suite 970, Glendale, California 91203.

On July 5, 2023, I served the foregoing document(s) described as: [PROPOSED] FINAL JUDGMENT by method indicated below, on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Andrea F. Oxman
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Management, Inc.; and Dru Boyarsky

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[X] **BY ELECTRONIC MAIL:** I transmitted the foregoing document(s) by electronic mail from ingrid@hbklawyers.com to the electronic mail addresses indicated on the attached mailing list. The transmission was reported as complete and without error.

[X] (STATE): I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 5, 2023, at Glendale, California.

/s/ Ingrid Cortez
Ingrid Cortez

4869-3537-6234, v. 1