

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
2 ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
3 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
4 **GAINES & GAINES, APLC**
27200 Agoura Rd., Suite 101
5 Calabasas, CA 91301
Telephone: (818) 703-8985
6 Facsimile: (818) 703-8984

7 Attorneys for Plaintiff Brian Saylor, on behalf of himself and all “aggrieved employees” pursuant
8 to Labor Code § 2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF YOLO**

11 BRIAN SAYLOR, on behalf of himself
12 and all “aggrieved employees” pursuant to
13 Labor Code § 2698 *et seq.*,

14 Plaintiffs,

15 v.

16 HAMAMA, INC., a Delaware corporation,
and DOES 1 through 10, inclusive,

17 Defendants.

Case No. CV2022-0610

Assigned to the Hon. Samuel T. McAdams. Dept. 10

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND DISMISSING ACTION WITH
PREJUDICE**

Complaint Filed: April 20, 2022

STIPULATION

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

1. On January 13, 2022, Plaintiff Brian Saylor (“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 HAMAMA, 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 his Representative Action Complaint on April 20, 2022 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 204, 212, 226(a), 226.7, 510, 512, 1194, and 2802 and penalties pursuant to Labor Code § 2699(a) for violations of Labor Code §§ 210, 225.5, 226.3, and 558 (“the Action”). (Gaines Decl. at ¶ 7).

3. Prior to filing the Representative Action Complaint, the Parties engaged in informal discovery, which provided Plaintiff’s counsel sufficient information to ascertain the size of the aggrieved employee group, the number of affected pay periods at issue among them, and the strength of Plaintiff’s claims. (Gaines Decl. at ¶ 8).

4. 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 ¶ 9).

5. 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 PAGA Settlement Sum and the Aggrieved Employees. (Gaines Decl. at ¶ 10).

6. Based on the information and documents obtained through informal discovery, Plaintiff assessed the value of the PAGA claims (without stacking) to be approximately \$50,000 (at the rate of a \$100 penalty for 500 pay periods at issue). (Gaines Decl. at ¶ 11).

7. The amount of the settlement is \$45,000, which represents a recovery of 90% of the possible discretionary penalties and includes an apportionment of attorneys’ fees and costs and a

1 modest general release payment to Plaintiff Saylor. This discount was warranted based on the risk
2 inherent in continued litigation. (Gaines Decl. at ¶ 12).

3 8. The Parties agree that the settlement amount represents a fair compromise of the
4 claims, including the related costs of litigation and risk. (Gaines Decl. at ¶ 13).

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

8 10. The Parties request that the Court enter the accompanying order, approving their
9 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
10 2699(l), and dismiss this Action with prejudice. (Gaines Decl. at ¶ 14).

11 **IT IS SO STIPULATED.**

12 Dated: April 25, 2022

13 For Plaintiff:

For Defendant:

14
15 GAINES & GAINES, APLC

POLSINELLI LLP

16
17 By: Daniel F. Gaines
18 DANIEL F. GAINES

19
20 By: 
21 STACEY SHIM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The Court, having reviewed the Parties' Private Attorneys General Act (Labor Code § 2698 *et. seq.*) 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:

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 and Plaintiff Saylor based on the terms of the Settlement.

3. This Action is hereby DISMISSED WITH PREJUDICE.

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

5. 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.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to
3 the within action. My business address is 27200 Agoura Road, Suite 101, Calabasas, CA 91301.

4 _____ (For messenger) my business address is:

5 On April 25, 2022, I served the foregoing document described as **(1) STIPULATION AND [PROPOSED]**
6 **ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS, AND**
7 **DISMISSING ACTION WITH PREJUDICE and (2) DECLARATION OF DANIEL GAINES IN SUPPORT OF**
8 **STIPULATION AND [PROPOSED] ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS**
9 **GENERAL ACT CLAIMS AND DISMISSING ACTION WITH PREJUDICE** on the interested parties in this
10 action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

11 **Gillian McKean Bidgood, Esq.**
12 **Emily Tichenor, Esq.**
13 **POLSINELLI**
14 **1401 Lawrence Street, Suite 2300**
15 **Denver, CO 80202**

16 **Stacey Shim, Esq.**
17 **POLSINELLI**
18 **2049 Century Park East**
19 **Suite 2900, Los Angeles, CA 90067**

20 On the above date:

21 x (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 FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
27 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
28 carrier or driver authorized by the express carrier to receive documents.

29 _____ (BY FACSIMILE TRANSMISSION) On April 25, 2022, at _____ a.m./p.m., at Calabasas, California, I
30 served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
31 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
32 telephone number(s) of the receiving facsimile machine was () - . A transmission report was properly
33 issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
34 the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

35 _____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
36 delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

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

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

39 Executed on April 25, 2022, at Calabasas, California.

40 Beatriz Franco
Beatriz Franco