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 individually and as a proxy for the State of California

FILED
 Superior Court of California
 County of Los Angeles
02/16/2024
 David W. Slayton, Executive Officer / Clerk of Court
 By: S. Luqueno Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
[UNLIMITED CIVIL]

JENNIFER LINARES, an individual, and as a
 proxy for the State of California,

Plaintiff,

vs.

TOLUCA LAKE COLLECTIVE, INC., a
 corporation; and DOES 1 through 5, inclusive,

Defendants.

Case No.: 22STCV09767

*Assigned for All Purposes to the Hon. Judge
 Daniel S. Murphy in Dept. 32*

**~~PROPOSED~~ ORDER APPROVING
 PAGA SETTLEMENT**

Date: February 16, 2024
 Time: 8:30am
 Loc.: Dept. 32

Complaint Filed: March 21, 2022
 Trial Date: Vacated

RES ID: 947362116330

The Court has read and considered the motion of Plaintiff JENNIFER LINARES (“Plaintiff”) for approval of the Los Angeles County Case No. 22STCV09767 Settlement Agreement between Plaintiff and Defendant TOLUCA LAKE COLLECTIVE, INC. (“Toluca”) (“PAGA Settlement Agreement”), of the California Labor Code Private Attorneys General Act of 2004 (“PAGA”) cause of action (“PAGA Action”). 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.

1 Defendant shall pay \$100,000.00 as the PAGA Settlement Amount (“PSA”) in settlement of the
2 PAGA Action. The relevant settlement period for the PAGA claims is from December 30, 2020, through
3 February 16, 2024 (“PAGA Period”). The group of allegedly aggrieved employees affected by the
4 Agreement are all persons employed by Defendant in California and classified as a non-exempt
5 employee who worked for Defendant during the PAGA Period (“Aggrieved Employees”).

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

- 8 1. The rate of \$600/hour is reasonable for plaintiff’s attorney’s fees and the lodestar IS
9 reasonable. Defendant shall pay to Plaintiff’s counsel 33.33% of the PSA.
- 10 2. \$1,000.00 to Plaintiff’s counsel for litigation costs and expenses.
- 11 3. Administration costs in the amount of \$3,500.00 to the Administrator.
- 12 4. The “Net Settlement Amount” is the balance after deducting the sums from paragraphs 1-3
13 above. The Net Settlement Amount is to be paid to the LWDA and to the Aggrieved
14 Employees.
 - 15 a. Defendants shall pay 75% from the Net Settlement Amount the California Labor and
16 Workforce Development Agency pursuant to Labor Code section 2699(i).
 - 17 b. Defendant shall pay 25% from the Net Settlement Amount to the Aggrieved Employees,
18 calculated pro rata according to the number of pay periods the Aggrieved Employee
19 worked during the PAGA Period. The Settlement Administrator will report the individual
20 PAGA payments on IRS 1099 Forms.
- 21 5. For any Aggrieved Employee whose individual PAGA settlement check is uncashed and
22 canceled after the 180 days void date, the Administrator shall transmit the funds represented
23 by such checks to the California Controller’s Unclaimed Property Fund in the name of the
24 Aggrieved Employee.
- 25 6. The Court also approves the current form of the notice as provided in Exhibit C to the January
26 22, 2024, declaration of Matthew Gutierrez. The Administrator shall send the PAGA
27 settlement checks to the Aggrieved Employees with the current form of the notice.

28 **IT IS SO ORDERED.**

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Dated: 02/16/2024



Daniel S. Murphy / Judge

Hon. Judge Daniel S. Murphy
Judge of the Superior Court of the State of
California