

FILED

KERN COUNTY SUPERIOR COURT
04/10/2024BY Fogerson, Vickie
DEPUTY

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Attorneys for Plaintiff Carlos A. Salcido, on behalf of himself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

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

CARLOS A. SALCIDO, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

NCRC, Inc. d/b/a Nationwide Construction
and Repair Company, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: BCV-22-101027

Assigned to the Hon. Bernard C. Barmann, Div. H

**~~PROPOSED~~ ORDER APPROVING
SETTLEMENT OF CLAIMS BROUGHT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS’ FEES, COSTS,
ENHANCEMENT AND GENERAL
RELEASE PAYMENT, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES, AND
DISMISSING ACTION WITH PREJUDICE**

Date: April 10, 2024

Time: 8:30 A.M.

Div.: H

Complaint Filed: April 28, 2022

Plaintiff Carlos A. Salcido's ("Plaintiff" or "Salcido") Motion for an Order: (1) granting approval of the proposed settlement of claims brought pursuant to the Private Attorneys General Act of 2004 (Cal. Labor Code § 2698 *et seq.*) ("PAGA") set forth in the Parties' Settlement Agreement and Release of Individual Claims and Private Attorneys General Act Claim (the "Settlement" or "Settlement Agreement"); (2) appointing Phoenix Settlement Administrators ("Phoenix") as the Settlement Administrator and approving payment of its fees not to exceed \$4,000 from the Gross Settlement Amount; (3) directing disbursement of the Gross Settlement Amount pursuant to the terms of the Settlement Agreement; (4) directing payment of attorneys' fees and litigation costs from the Gross Settlement Amount not to exceed \$24,750 to Counsel for Plaintiff; (5) directing an enhancement and general release payment from the Gross Settlement Amount in the amount of \$15,000 to Plaintiff Salcido; and (6) dismissing this Action with prejudice, came on for hearing before this Court in Division H, the Honorable Bernard C. Barmann presiding, on April 10, 2024. Appearances were noted on the record.

Having reviewed the Settlement Agreement and duly considered the Parties' papers and oral argument, and good cause appearing,

THE COURT HEREBY ORDERS AS FOLLOWS:

1. All terms used herein shall have the same meaning as defined in the Settlement Agreement, which is attached to the Declaration of Daniel F. Gaines as **Exhibit C**.

2. This Court has jurisdiction over the claims of the PAGA Members and the State of California asserted in this proceeding and over all parties to the Action.

3. The Court finds that 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. The Court finds that the Gross Settlement Amount of \$71,250 represents a fair compromise of the claims alleged in the Action, considering the maximum potential value of the claims asserted and the risks inherent in further litigation.

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1 4. The Court has considered the authorities and evidence presented by Plaintiff and
2 based thereon hereby approves the following awards and deductions from the Gross Settlement
3 Amount:

4 a. To Plaintiff's Counsel, Gaines & Gaines, APLC, an award of \$23,750 in
5 attorneys' fees and \$1,000 in reimbursement of litigation costs. The Court finds that these
6 amounts are fair and reasonable and commensurate with applicable California law.

7 b. To Plaintiff Carlos A. Salcido, an enhancement and general release payment
8 of \$15,000. The Court finds that both the time and effort that Plaintiff Salcido spent on
9 behalf of other PAGA Members and the State, as well as her full general release of all
10 claims, justifies this payment.

11 c. To Phoenix Settlement Administrators, the settlement administrator, a
12 payment of up to \$4,000 to administer the Settlement through its conclusion, including
13 disbursement of the Gross Settlement Amount and all tax reporting associated therewith.

14 5. The amount remaining of the Gross Settlement Amount following these deductions
15 is the PAGA Penalty Fund of approximately \$27,500. The PAGA Penalty Fund shall be distributed
16 75% (or \$20,625) to the Labor and Workforce Development Agency and 25% (or \$6,875) to the
17 PAGA Members.

18 6. The Court finds that the Settlement has been provided to the LWDA as required by
19 PAGA and Labor Code section 2699, subdivision (1)(2), in particular.

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

22 8. The Court retains jurisdiction to enforce the Settlement Agreement pursuant to
23 Code of Civil Procedure § 664.6 and as otherwise allowed by law.

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9. This Action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: April 10, 2024

Signed: 4/10/2024 08:53 AM



JUDGE OF THE SUPERIOR COURT

Bernard C. Barmann, Jr.