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Attorneys for Plaintiffs Juan Soto and Fernanda Funes

~~RECEIVED~~
October 1, 2024

F I L E D
Clerk of the Superior Court

NOV 01 2024

By: R. Day, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JUAN SOTO and FERNANDA FUNES,
individually, and on behalf of all others similarly
situated,

Plaintiff,

vs.

STINE ENTERPRISES, INC., an Arizona
corporation; and DOES 1 through 10, inclusive,

Defendants

Case No.: 37-2022-00005175-CU-OE-CTL

Assigned for all purposes to the Honorable Joel
R. Wohlfeil in Department C-73

~~PROPOSED~~ **ORDER AND JUDGMENT
GRANTING PLAINTIFFS' MOTION TO
APPROVE PAGA SETTLEMENT**

PAGA APPROVAL HEARING:

Date: November 1, 2024
Time: 9:00 a.m.
Dept.: C-37

Action Filed: February 9, 2022
Trial Date: December 6, 2024

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The Court having duly considered Plaintiff's Notice of Motion and Motion to Approve PAGA Settlement ("PAGA Approval Motion"), the supporting declarations and exhibits thereto, all papers filed, and proceedings had herein, and having reviewed the record in this Action, and good cause appearing,

1. The Court, for purposes of this Order and Judgment, incorporates and adopts all defined terms and provisions as set forth in the PAGA Settlement, which was attached to the Supplemental Declaration of Kane Moon in Support of PAGA Approval Motion as “Exhibit A.”

3. Plaintiffs exhausted all administrative remedies required to bring the PAGA claims asserted in this action and are authorized to act as private attorney generals with respect to the PAGA claims being released under the terms of the PAGA Settlement. The California Labor and Workforce Development Agency (the "LWDA") was provided with notice of the PAGA Settlement via its online submission process, and no objection has been received to the PAGA Settlement from the LWDA.

5. Release of Claims. Effective on the date when Defendant fully funds the entire Gross Settlement Amount, Covered Employees (including Plaintiffs) and PAGA Counsel will release claims against all Released Parties as follows:

- 1 a. "Released Parties" means Defendant, its parents, subsidiaries, and affiliated
2 companies, current and former agents, officers, directors, managers,
3 shareholders, members, owners, insurers, employees, representatives, and
4 attorneys of the foregoing, and all persons acting by, through, under, or in concert
5 with any of them, and each of their respective heirs, predecessors, successors,
6 and assigns. (PAGA Settlement, ¶ 1.26.)
- 7 b. Release by Covered Employees. All Covered Employees (including Plaintiffs)
8 are deemed to release, on behalf of themselves and their respective former and
9 present representatives, agents, attorneys, heirs, administrators, successors, and
10 assigns the Released Parties from all claims for relief under PAGA arising during
11 the PAGA Period, that were alleged or reasonably could have been alleged based
12 on the facts alleged by Plaintiffs in the Operative Complaint and Plaintiffs'
13 PAGA Notice to the LWDA including, but not limited to, civil penalties for the
14 violation of the following Labor Code sections: 201, 202, 203, 204, 210, 226,
15 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1197, 1197.1, 1198, 1199,
16 2699, 2699.3, and 2802, and the applicable IWC Wage Orders, and any resulting
17 claim for attorneys' fees and costs under PAGA. (PAGA Settlement, ¶ 5.1.)
- 18 c. Release by PAGA Counsel: PAGA Counsel release on behalf of their present
19 and former attorneys, employees, agents, successors and assigns the Released
20 Parties from all claims for PAGA Fees incurred in connection with the Operative
21 Complaint and the PAGA Period stated in the Operative Complaint and the
22 PAGA Notice. (PAGA Settlement, ¶ 5.2.)

23 6. The PAGA Settlement is not an admission by Defendant, nor is this Order and
24 Judgment a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither
25 this Order and Judgment, the PAGA Settlement, nor any document referred to herein, nor any action
26 taken to carry out the PAGA Settlement, may be used as an admission of any fault, wrongdoing,
27 omission, concession, or liability whatsoever by or against Defendant.

1 7. Defendant shall pay a Gross Settlement Amount of \$338,800.00 pursuant to the
2 terms of the PAGA. Settlement:

3 a. A payment in the amount of \$149,040.50, payable to the LWDA for civil
4 penalties, pursuant to PAGA;

5 b. A payment in the amount of \$49,680.17, payable to the Covered Employees on
6 a pro rata basis for civil penalties, pursuant to PAGA;

7 c. An award of \$112,933.33, payable to PAGA Counsel, for reasonable attorneys'
8 fees, pursuant to PAGA;

9 d. An award of \$23,646.00, payable to PAGA Counsel, for reasonably attorneys'
10 costs, pursuant to PAGA; and

11 e. A payment in the amount of \$3,500.00, payable to the Administrator, for
12 settlement of administration costs.

13 8. The Court approves of the Notice of PAGA Action Settlement attached to the PAGA
14 Settlement as "Exhibit 1" to be sent by the Administrator to the Covered Employees along with their
15 respective Individual PAGA Payments.

16 9. The Court appoints Simpluris, Inc. as the Administrator.

17 10. The Court appoints Plaintiffs' counsel of record Kane Moon and Lilit Ter-
18 Astvatsatryan of Moon Law Group, PC as PAGA Counsel.

19 11. The Parties shall bear their own respective attorneys' fees and costs, except as
20 otherwise provided for in the PAGA Settlement and approved by the Court. Defendant and the
21 Released Parties shall have no further liability for costs, expenses, interests, attorneys' fees, or
22 for any other charge, expense, or liability relating to the Released Claims and shall be released
23 from all claims as set forth in the PAGA Settlement and in this Order and Judgment.

24 12. Plaintiffs shall submit a copy of this Order and Judgment to the LWDA within 30
25 calendar days after entry hereof.

26 13. This Order and Judgment is intended to be a final disposition in its entirety of the
27 above-captioned action. Pursuant to California Code of Civil Procedure section 664, this Court shall
28

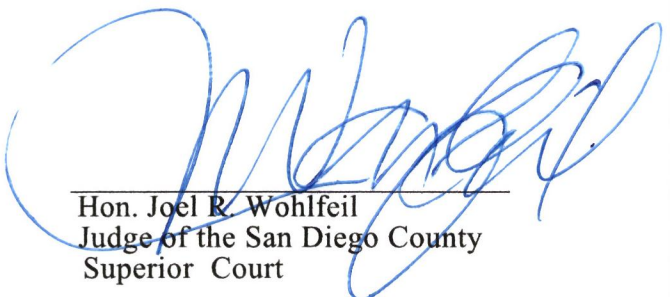
1 retain jurisdiction over the Parties, Action, and the PAGA Settlement solely for purposes of (i)
2 enforcing the PAGA Settlement and/or this Order and Judgment, (ii) addressing settlement
3 administration matters, and (iii) addressing such post-Judgment matters as are permitted by law.

4 14. The Court sets a Non-Appearence Hearing (Case Review) Re: Distribution on
5 _____, 2025 at _____ a.m./p.m. in Department C-73. PAGA Counsel are ordered to file
6 a final report and declaration by the Administrator regarding settlement distribution no later than
7 _____.

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9 **IT IS SO ORDERED.**

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11 DATED:

12 11-1-24

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Hon. Joel R. Wohlfeil
Judge of the San Diego County
Superior Court