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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ORANGE**
12

13 MARIA CRUZ VASQUEZ, an individual;

14 Plaintiff,

15 v.

16 MOHAJERI, INC., a California
17 Corporation; CHANGIZ MOHAJERI, an
18 individual; ANTOJITOS LATINOS
19 MARKET, a business entity form
20 unknown; and DOES 1 through 20,
21 inclusive;

22 Defendants.

Case Number: 30-2022-01261627-CU-OE-CXC

[Honorable William D. Claster; Department CX104]

**[PROPOSED] JUDGMENT ON APPROVED
PAGA SETTLEMENT**

Hearing:

Date: June 9, 2023

Time: 9:00 AM

Dept.: CX104

Court Reservation number: 74007613

Complaint Filed: May 20, 2022

23 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

24 **PLEASE TAKE NOTICE** that the Court hereby issues an Order granting Court Approval of
25 PAGA Settlement, approving the Parties' settlement, and dismissing Plaintiff's individual claims with
26 prejudice. Good cause appearing, pursuant to *Labor Code Section 2699(l)*, the PAGA Settlement has
27 been reviewed and is approved and Judgment is hereby entered as follows:
28

1 1. The PAGA gross settlement in the total amount of Thirty Thousand Dollars (\$30,000)
2 (“PAGA Gross Settlement Amount”) is fair, adequate and reasonable as follows:

3 A. Both sides are represented by experienced counsel. The PAGA Gross
4 Settlement Amount is a reasonable compromise based on claims of penalties for the twenty-four (24)
5 aggrieved employees from March 16, 2021 through the date the Court approves the PAGA Settlement
6 (“PAGA Period”).

7 B. Of the \$30,000 PAGA Gross Settlement Amount, the Settlement Agreement
8 provides that one-third (33.33%), or \$9,900.00, will be paid to Plaintiff’s counsel for attorney’s fees.
9 Attorney fees of \$9,900.00 are reasonable. Similar settlements frequently allocate one third of the total
10 to attorney fees. (*See, e.g., Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480.).

11 C. Up to \$4,000.00 will be paid to cover PAGA Counsel Costs, a reasonable
12 amount will be paid for settlement administration costs, and up to \$1,000.00 will be paid to Plaintiff
13 as an enhancement payment. After subtracting these amounts (totaling \$14,900.00) for attorney’s fees,
14 costs, settlement administration costs, and the enhancement fee, \$15,100.00 of the PAGA Gross
15 Settlement Amount remains.

16 D. “Phoenix - Class Action Administration Solutions” is selected to serve as the
17 PAGA Settlement Administrator.

18 E. Defendants shall pay the total sum of \$15,100.00 (the “PAGA Net Settlement
19 Amount” or “PNSA”), to be classified for tax purposes as civil penalties (“Civil Penalty Allocation”),
20 unless otherwise required by law, and shall be distributed as follows:

21 a. Seventy-Five Percent (75%) of the Civil Penalty Allocation,
22 \$11,325.00, shall be paid to the LWDA, which represents civil penalties payable to the LWDA under
23 the PAGA, *Labor Code section 2698, et seq.*;

24 b. Twenty Five Percent (25%) of the Civil Penalty Allocation, \$3,775.00,
25 (the “Aggrieved Employee Amount”) shall be paid to the PAGA Members, pursuant to *Labor Code* §
26 2699(i), divided amongst PAGA Members based on each PAGA Member’s respective number of pay
27 periods worked for Defendants in California during the PAGA Period;
28

2. A true and correct copy of the "Notice of Settlement" to be served on the aggrieved employees is attached hereto as "EXHIBIT 1".

3. This Court shall retain jurisdiction to enforce the terms of the PAGA Settlement Agreement pursuant to California *Code of Civil Procedure* Section 664.6.

4. Pursuant to *Labor Code* Section 2699(l)(3), Plaintiff's counsel must submit a copy of this Judgment to the LWDA, within ten (10) calendar days after entry of the Judgment.

5. The Final Accounting hearing is scheduled on _____.

OTHER ORDERS:

IT IS SO ORDERED.

DATED: _____

Honorable William D. Claster
Judge of the Superior Court; Dept. CX104

EXHIBIT 1

Re: NOTICE OF SETTLEMENT

**MARIA CRUZ VASQUEZ VS. MOHAJERI, INC., et al.
Superior Court of California for the County of Orange
Case Number: 30-2022-01261627-CU-OE-CXC**

Date:

SIMID
Name
Address

Dear Name:

A settlement was reached between Plaintiff Maria Cruz Vasquez (“Plaintiff”) and Defendants Mohajeri, Inc., Changiz Mohajeri and Antojitos Latinos Market (“Defendants”) (collectively the “Parties”) in *Maria Cruz Vasquez vs. Mohajeri, Inc., et al.*, filed in the Superior Court of California for the County of Orange (Case Number: 30-2022-01261627-CU-OE-CXC) (the “Action”). On , the Superior Court of California for the County of Orange issued an Order approving the Settlement, which was brought pursuant to the Private Attorneys General Act of 2004 (“PAGA”). An action under PAGA is an enforcement action in which an aggrieved employee acts as a private attorney general to collect penalties from employers. In reaching this settlement, Defendants made no admission of liability and denied the truth of the allegations in the Action. However, to avoid additional expense, inconvenience, and interference with Defendants’ business operations, the Parties have concluded that it is in the best interests of the Parties to settle.

This settlement affects certain employees and former employees of Defendants. You are receiving this Notice of Settlement because you worked for Defendants at some point from March 16, 2021 through (the date the Court approved the PAGA Settlement and entered a final order and/or Judgment) (“Claims Period”). Pursuant to the Settlement, enclosed is a check for your share of a portion of the civil penalties. This check will remain valid for 180 days from the date of issuance. If you do not cash your check within 180 days of issuance, the funds will be deposited by the Settlement Administrator with the California State Controller to be deposited in the Unclaimed Property Fund in your name. If you are still employed by Defendants, your decision to cash the check will not affect your employment.

Payment of this settlement includes a release of any and all claims pursuant to the *California Labor Code § 2698*, which were alleged based on the facts in the operative Complaint or notice for the California Labor Workforce Development Agency (“LWDA”) on behalf of Plaintiff and all aggrieved employees during the Claims Period. The release includes all claims, rights, demands, liabilities and causes of action that arose during the period from March 16, 2021 through the date of the final order (the “PAGA Period”), for civil penalties under the PAGA, based on the allegations pled by Plaintiff in the Action: (1) Violation of The Private Attorneys General

Act of 2004 (“PAGA”); (2) Failure to Pay Minimum Wage; (3) Failure to Compensate for All Hours Worked (4) Failure to Pay Overtime Compensation; (5) Failure To Pay Rest Period Compensation; (6) Failure To Pay Meal Period Compensation; (7) Failure To Furnish Accurate Wage and Hour Statements; (8) Failure to Pay Wages Upon Discharge; (9) Statutory Penalties; (10) Failure to Indemnify and Illegal Deductions From Wages; (11) Unfair Competition; including any related claims for attorneys’ fees, costs, penalties or interest resulting there from, during the PAGA Period). This release only waives, and is limited to, the aggrieved employee’s rights to collect civil penalties under PAGA (2698 *et seq.*).

If you have any questions, you can contact Phoenix Settlement Administrators, the Settlement Administrator, at 1.XXX.XXX.XXXX.

PROOF OF SERVICE
(§ 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am a citizen of the United States of America; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 3435 Wilshire Boulevard, Suite 1710, Los Angeles, California 90010.

On the below-indicated date, I served the following document:

[PROPOSED] JUDGMENT ON APPROVED PAGA SETTLEMENT

on the interested parties in said action by placing:

___X, ___ a true and correct copy,

and addressed as set forth on the attached Service List and delivered by one or more of the means set forth below:

☒ **BY ELECTRONIC SERVICE IN LIEU OF SERVICE BY MAIL, EXPRESS MAIL, OVERNIGHT DELIVERY, OR FACSIMILE TRANSMISSION:** In accordance with California Code of Civil Procedure section 1010.6, I caused the document to be sent to the person(s) below at the e-mail address(es) listed below.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED: May 4, 2023

At Los Angeles, California

Grigor Gregg Sirmabekhian

Grigor Gregg Sirmabekhian

SERVICE LIST

Christopher K. Jafari, Esq., Bar No. 219971 Kiarash Kay Jafari, Esq., Bar No. 299610 C&K LAW GROUP 3525 Hyland Ave., Suite 270 Costa Mesa, CA 92626 Email: chrisjafari@gmail.com Email: kayjafari@gmail.com	<i>Attorneys for Defendants Mohajeri, Inc. dba Antojitos Latinos Market and Changiz Mohajeri</i>
Labor and Workforce Development Agency ("LWDA") Department of Industrial Relations Attn. PAGA Administrator 1515 Clay Street, Ste. 801 Oakland, California 94612	<i>Labor and Workforce Development Agency: filed/served online at:</i> <u>https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html</u>