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Attorney for Plaintiff MARIA CRUZ VASQUEZ

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

DEC 19 2023

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

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

MARIA CRUZ VASQUEZ, an individual;

Plaintiff,

v.

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

Defendants.

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

[Honorable William D. Claster; Department CX101]

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

Complaint Filed: May 20, 2022

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

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

1. The Court will approve the following distributions:

A. The Court finds the parties' settlement as amended 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.* (2021) 72 Cal.App.5th
56, 72.).

B. Attorneys' fees and litigation costs in the amount of \$2,000 from the \$30,000
allocated to settle the PAGA claim. This award is discussed more fully below.

1 C. Both sides are represented by experienced counsel. The PAGA Gross
2 Settlement Amount is a reasonable compromise based on claims of penalties for the twenty-nine (29)
3 aggrieved employees from March 16, 2021 through January 31, 2023 ("PAGA Period").

4 D. Litigation costs in the amount of \$4,000, representing the full amount sought.

5 E. Administration costs in the amount of \$2,950, representing the full amount
6 sought.

7 F. An enhancement of \$1,000 to Plaintiff. In making this award, the Court has
8 considered only the factors set forth in *Golba v. Dick's Sporting Goods, Inc.* (2015) 238 Cal.App.4th
9 1251 and *Clark v. Am. Residential Servs. LLC* (2009) 175 Cal.App.4th 785.

10 G. Taking the above distributions into account, from the GSA of \$30,000, \$20,050
11 remains to be distributed as provided under PAGA. This amount shall be allocated 75% to the LWDA
12 and 25% to the aggrieved employees.

13 H. "Phoenix - Class Action Administration Solutions" is selected to serve as the
14 PAGA Settlement Administrator.

15 I. The administrator is to file a declaration no later than March 29, 2024 to confirm
16 that the distribution of funds to aggrieved employees is complete. Upon receipt of the administrator's
17 declaration, the Court will determine whether further briefing or a hearing is necessary.

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

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

22 4. Pursuant to *Labor Code* Section 2699(1)(3), Plaintiff's counsel must submit a copy of
23 this Judgment to the LWDA, within ten (10) calendar days after entry of the Judgment.

24
25 **IT IS SO ORDERED.**

26
27 DATED: 12-19-23

28 
Honorable William D. Claster
Judge of the Superior Court; Dept. CX101

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: [REDACTED]

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 [REDACTED] 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 January 31, 2023 ("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. Current employees will not be retaliated against for cashing their checks.

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: December 14, 2023

At Los Angeles, California

Grigor Gregg Sirmabekhian

Grigor Gregg Sirmabekhian

SERVICE LIST

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*Attorneys for Defendants Mohajeri, Inc.
dba Antojitos Latinos Market and Changiz
Mohajeri*

Labor and Workforce Development Agency
("LWDA")
Department of Industrial Relations
Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, California 94612

*Labor and Workforce Development
Agency: filed/served online at:
<https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>*