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Attorneys for Plaintiff
CARLOS MORALES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

CARLOS MORALES,

Plaintiff,

vs.

GREENLAND METALS, INC., California
corporation; SERGIO MEJIA, an individual;
and DOES 1 through 30, inclusive,

Defendants.

Case No. 22STCV08285

[Honorable Anne Richardson, Department 40]

**[PROPOSED] ORDER APPROVING
SETTLEMENT PURSUANT TO
CALIFORNIA LABOR CODE PRIVATE
ATTORNEYS GENERAL ACT AND
ENTERING JUDGMENT**

*[Concurrently filed with Motion; Declaration
of Michael C. Robinson; Declaration of Jodey
Lawrence]*

Motion Hearing

Date: October 11, 2023

Time: 8:30 a.m.

Place: Department 40

Reservation ID: 860093659256

Complaint Filed: March 8, 2022

Trial Date: February 27, 2024

FILED
Superior Court of California
County of Los Angeles

10/11/2023

David W. Slayton, Executive Officer / Clerk of Court

By: J. Choi Deputy

1 Having reviewed and considered Plaintiff Carlos Morales’s (“Plaintiff”) Motion for Order
2 Approving Settlement Pursuant to California Labor Code Private Attorneys General Act and
3 Entering Judgment, and good cause appearing for the same, it is hereby **ORDERED,**
4 **ADJUDGED, and DECREED:**

5 1. The Court hereby approves the Joint Stipulation of PAGA Settlement attached
6 as Exhibit 1 to the Declaration of Michael C. Robinson (“Settlement Agreement” or “Settlement”) as
7 a fair, reasonable, and adequate resolution of the PAGA claims alleged in the Action.

8 2. The Settlement Agreement is hereby deemed incorporated herein as if Expressly set
9 forth. Final judgment is hereby entered in conformity with the Settlement. All terms used herein
10 shall have the same meaning as defined in the Settlement Agreement.

11 3. This Court has jurisdiction over the subject matter of this Action, and over all
12 Parties to this Action, including Plaintiff Carlos Morales, the State of California, and all
13 aggrieved employees, including approximately 30 individuals employed as non-exempt employees
14 in the State of California during the period March 6, 2021, through the date of entry of this
15 Order (“PAGA Period”).

16 4. The Court designates Phoenix Settlement Administrators (“Phoenix”) as the third-
17 party Settlement Administrator for mailing the aggrieved employees’ PAGA settlement notices,
18 distribution of the Gross Settlement Amount, and other duties set forth in the Settlement.

19 5. Within fourteen (14) calendar days after approval of this Settlement, Defendant
20 Green Land Metals, Inc. and Sergio Mejia (collectively, “Defendants”) will provide Phoenix the
21 Aggrieved Employee Lists defined in the Settlement Agreement.

22 6. Within fourteen (14) calendar days of receipt of the Gross Settlement Amount
23 from Defendants, Phoenix shall distribute the Gross Settlement Amount as provided in the
24 Settlement Agreement and set forth below:

- 25 a. Awarding Plaintiff’s counsel, Robinson Di Lando, A Professional Law Corporation, attorney’s fees totaling 35% of the Gross Settlement Amount
26 estimated to be of \$63,332.50 and costs of \$2026.50 for reimbursement of
27 actual litigation costs and expenses under Labor Code section 2699(g)(1).
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employees on a pro rata basis based upon the number of Pay Periods worked during the PAGA Period;

c. Appointing Phoenix Class Action Administration Solutions (“Phoenix”) as the Settlement Administrator and approving the payment of ~~\$4,000.00~~ to Phoenix in connection with the costs of administering the Settlement, ~~\$2,195~~

7. All checks to the aggrieved employees shall remain valid and negotiable for 180 days from the date of their issuance to the aggrieved employees. If any checks are not cashed within 180 days of mailing, those funds shall be transmitted to the Controller of the State of California to be held pursuant to the Unclaimed Property Law, California Code of Civil Procedure § 1500, *et seq.* in the names of those aggrieved employees who did not cash their checks until such time they claim their property.

8. Upon the Effective Date, all aggrieved employees and the LWDA will fully and finally release and discharge Defendant and the Released Parties from any and all claims for the recovery for civil penalties, attorneys’ fees and costs permissible under PAGA which Plaintiff and/or the aggrieved employees had, or may claim to have, against Defendant and the Released Parties, arising out of the violations alleged in the operative Complaint and/or the PAGA Notice, or Reasonably could have been alleged based on the facts alleged in the operative Complaint and/or the PAGA Notice, including unpaid straight and overtime wages (including any work off-the-clock), failure to pay employees all minimum wages and overtime wages owed including by failing to pay all overtime and double time at the correct regular rate of pay, failure to provide compliant meal and rest breaks, failure to pay them all premium wages owed for short, late or missed meal and rest periods, failure to pay all wages owed at discharge or resignation; failure to timely pay wages within the times permissible under Labor Code section 204; failure to provide complete and accurate wage statements; failure to keep complete and accurate payroll records; failure to reimburse necessary business-related expenses; violations of Labor Code Sections 98.6, 201, 202, 203, 204, 226(a), 226(e), 226.2, 226.3, 226.7, 510, 512(a), 1102.5, 1174(d), 1194, 11942, 1197, 1197.1, 1198, 2800, and 2802 (collectively, the “Released Claims”). This release shall apply to claims arising during the PAGA Period. The Released Claims described above expressly exclude all claims made by the aggrieved employees for individual wage claims, vested benefits, wrongful termination, unemployment insurance, disability, social security, workers’ compensation, claims while classified as exempt, and claims outside of the PAGA Period.

9. The Court finds that Plaintiff gave notice to the California Labor Workforce and Development Agency (“LWDA”) and to Defendant of his intention to pursue claims for civil

1 penalties under PAGA arising out of the facts and legal theories alleged in the operative
2 Complaint, that the LWDA did not give notice that it intended to investigate these claims within
3 sixty-five (65) days of receiving Plaintiff's notice, and that Plaintiff is therefore authorized to
4 pursue these claims on behalf of the LWDA. The Court further finds that Plaintiff gave notice of
5 this proposed settlement of those claims under PAGA to the LWDA in accordance with Labor
6 Code section 2699(l)(2), and that the LWDA has not expressed any objection to the proposed
7 settlement. Accordingly, this Judgment also bars the LWDA, or any other agency of the State of
8 California, or any person acting on its behalf, from collecting any penalties due to any of them,
9 or any unpaid wages due to PAGA Class Members, to the extent those penalties or unpaid wages
10 arise out of the PAGA Released Claims or the facts giving rise to those claims. *Arias v. Super.*
11 *Ct.*, 46 Cal.4th 969, 985-86 (2009).

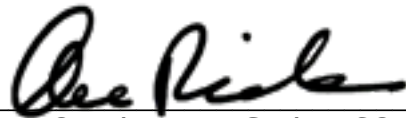
12 10. Plaintiff's Counsel are directed to submit a copy of this Order and Judgment to the
13 California Labor and Workforce Development Agency within ten (10) calendar days of entry of
14 the Judgment.

15 11. Without affecting the finality of this Order and Judgment, the Court shall retain
16 continuing jurisdiction over this Action and the Parties, and over all matters pertaining to the
17 implementation and enforcement of the terms of the Settlement Agreement pursuant to the Civil
18 Procedure section 664.6. Except as provided to the contrary herein, any disputes or controversies
19 arising with or with respect to the interpretation, enforcement, or implementation of the
20 Settlement Agreement shall be presented to the Court for resolution.

21 12. A hearing on the Final Accounting (Nonappearance) is scheduled for October 11,
22 2023 at 8:30 a.m. A final report on the disbursement of the PAGA Payment Shares shall be filed
23 Seven (7) court days in advance of the Final Accounting (Nonappearance hearing).

24 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

25 DATED: 10/11/2023



HON. ANNE RICHARDSON
JUDGE OF THE SUPERIOR COURT