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Attorneys for Defendant ENTERPRISE RENT-A-CAR COMPANY OF LOS ANGELES, LLC

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

JANET BEAMAN, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ENTERPRISE RENT-A-CAR COMPANY OF
LOS ANGELES, LLC, a limited liability
company; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 37-2022-00014234-CU-OE-CTL

**JOINT STIPULATION FOR COURT
APPROVAL OF SETTLEMENT OF ACTION
WHICH INCLUDES ONE CAUSE OF
ACTION PURSUANT TO PAGA;
~~[PROPOSED]~~ ORDER**

Assigned to: Hon. James A. Mangione
Dept: C-75

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

10/19/2023 at 05:23:00 PM

Clerk of the Superior Court
By Mariejo Guyot, Deputy Clerk

1 This Joint Stipulation is made by and between Plaintiff Janet Beaman (“Plaintiff”) and Defendant
2 Enterprise Rent-A-Car Company of Los Angeles, LLC (“Defendant”) (Plaintiff and Defendant hereinafter
3 collectively referred to as the “Parties”), by and through their respective undersigned counsel of record,
4 based upon the following facts establishing good cause for court approval of the settlement of Plaintiff’s
5 action, which includes nine causes of action seeking individual relief and one cause of action pursuant to
6 the California Private Attorneys General Act (“PAGA”):

7 WHEREAS, Plaintiff filed the Complaint in this action on April 15, 2022 alleging, *inter alia*, a
8 PAGA claim;

9 WHEREAS, Plaintiff filed the First Amended Complaint (“FAC”) in this action on July 8, 2022
10 also alleging, *inter alia*, a PAGA claim;

11 WHEREAS, on or about October 21, 2022, the Court retained jurisdiction over the Fifth Cause of
12 Action (PAGA) and stayed the matter pending arbitration of Plaintiff’s individual claims;

13 WHEREAS, pending concurrently in Los Angeles Superior Court is case number 22STCV05531
14 *Nistico v. Enterprise Rent-A-Car Company of Los Angeles, LLC* which alleges, *inter alia*, a PAGA claim
15 and which was filed before the present action was filed;

16 WHEREAS, the Parties have agreed to resolve this action on an individual basis;

17 WHEREAS, PAGA requires court approval of any settlement of a civil action which includes a
18 claim pursuant to PAGA (*see* Cal. Lab. Code § 2699(1)(2));

19 WHEREAS, the Parties’ confidential settlement agreement provides, *inter alia*, that:

- 20 • Plaintiff will dismiss this action without prejudice in its entirety;
- 21 • Plaintiff will dismiss the pending Arbitration in exchange for a confidential settlement
22 payment;
- 23 • No PAGA penalties are being paid to the California Labor and Workforce Development
24 Agency (“LWDA”) or to Plaintiff as part of the Parties’ settlement of this action;
- 25 • Plaintiff’s release of her PAGA claim against Defendant applies only to Plaintiff, and does
26 not bar any other current or former allegedly aggrieved persons from prosecuting another
27 representative action against Defendant or from seeking to recover civil penalties in such
28 an action; and

- If Plaintiff is eligible to receive money as an aggrieved employee in connection with the above-referenced *Nistico* matter, then this stipulation will not affect such eligibility.

WHEREAS, the Parties' settlement agreement is being submitted at the same time to the LWDA with confidential provisions redacted;

WHEREAS, the Parties believe that this individual settlement is fair, reasonable, and non-collusive given the settlement payment amounts to Plaintiff to settle her individual claims, the settlement was reached through arm's length negotiations and should be given substantial deference by the Court, and the fact that the settlement will not affect any other pending or future claims that may be brought against Defendant by any allegedly aggrieved person other than Plaintiff under PAGA; and

WHEREAS, the Parties' confidential settlement agreement provides that the Agreement is specifically enforceable pursuant to CCP §664.6.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and through the Parties' respective counsel, that this Court should enter an order approving the settlement of this action and dismissing this Action without prejudice in its entirety. The Parties further stipulate that the Court retain jurisdiction over this matter, even after dismissal of the action, until performance in full of the terms of the Agreement. The parties, by and through counsel, stipulate that the Court may enter judgment upon the Agreement upon motion of either party, provided that such party has first provided notice and a 60-day opportunity to cure and that such party takes all reasonable steps to maintain the confidentiality of the Agreement.

[Intentionally Blank]

1 **IT IS SO STIPULATED.**

2 Dated: October 16, 2023

BAKER LAW GROUP, LLP

3
4 By 
5 Michelle B. Baker
6 Attorneys for Plaintiff JANET BEAMAN

7 Dated: October 16, 2023

LAW OFFICES OF STEPHEN J. KEPLER

8
9 By 
10 Stephen J. Kepler
11 Attorneys for Defendant ENTERPRISE
12 RENT-A-CAR COMPANY OF LOS
13 ANGELES, LLC

13 **~~PROPOSED~~ ORDER**

14 This Court, having considered the Parties' Joint Stipulation, and good cause appearing, hereby
15 GRANTS the Parties' Joint Stipulation as follows:

- 16 1. The Parties' settlement of this action is approved;
17 2. This action is hereby dismissed without prejudice in its entirety.
18 3. The Court will retain jurisdiction pursuant to *C.C.P. section 664.6* to, upon motion, set
19 aside the dismissal and enter judgment upon the terms of the Agreement.

20
21 **IT IS SO ORDERED.**

22
23 Dated: 10/24/2023

24 
25 Hon. James A. Mangione
26 Judge of the Superior Court

Michelle B. Baker, Esq. (SBN 199130)
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Attorneys for Plaintiff Janet Beaman

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
SAN DIEGO – CENTRAL**

JANET BEAMAN, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ENTERPRISE RENT-A-CAR COMPANY OF
LOS ANGELES, LLC, a limited liability
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Case No.: 37-2022-00014234-CU-OE-CTL

PROOF OF SERVICE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and
not a party to this action; my business address is 4250 Executive Square, Suite 300, La Jolla, CA 92037.

On the date executed below, I served the following documents:

- 1. JOINT STIPULATION FOR COURT APPROVAL OF SETTLEMENT OF ACTION
WHICH INCLUDES ONE CAUSE OF ACTION PURSUANT TO PAGA; [PROPOSED]
ORDER**

1 I served the above documents on the interested parties in this action by serving the documents on the
2 following people in the below manner:

3 Stephen J. Kepler, Esq.
4 Law Offices of Stephen J. Kepler
5 28241 Crown Valley Parkway, Suite F
6 Laguna Niguel, CA 92677
Skepler@kepler-law.com

7 [X] I caused the above documents to be transmitted **by email** during normal business hours
8 to the above email address(s). BY ELECTRONIC MAIL - CCP §1010.6(a)(6)) based on a court
9 order or an agreement of the parties to accept service by e-mail or electronic transmission, I
10 caused such documents described herein to be sent to the persons at the e-mail addresses above.
I did not receive, within a reasonable time after the transmission, any electronic message or other
indication that the transmission was unsuccessful.

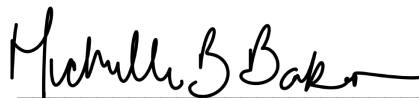
11 [] I deposited the above documents with the **U.S. Mail** in an envelope addressed
12 to the above people with postage thereon fully prepaid at San Diego, CA.

13 [] I deposited the above documents for overnight delivery with FedEx in an envelope
14 addressed to the above people with postage thereon fully prepaid at San Diego, CA.

15 [] I **personally delivered** the above documents to the above people, at the above address,
16 at _____ am/pm on the date of execution below.

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

19 DATED: October 19, 2023



20 MICHELLE B. BAKER
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