

FILED
Superior Court of California
County of Los Angeles

04/24/2024

David W. Slayton, Executive Officer / Clerk of Court

By: A. Rodriguez Deputy

KINGSLEY & KINGSLEY, APC
ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleykingsley.com
KELSEY M. SZAMET, Esq. (SBN 260264)
kelsey@kingsleykingsley.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Tel: (818) 990-8300, Fax (818) 990-2903

Attorneys for Plaintiff and all aggrieved employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

WALTER PORTILLO, an individual, on
behalf of the State of California, as a private
attorney general,

PLAINTIFF,

v.

FOX RENT A CAR, INC.; and DOES 1 thru
50, inclusive,

DEFENDANTS.

Case No. 22STCV19855

[Case Assigned for All Purposes to Hon. Judge
Wendy Chang in Dept. 36]

**[FIRST AMENDED ~~PROPOSED~~] ORDER
GRANTING APPROVAL OF
REPRESENTATIVE ACTION
SETTLEMENT AND ENTRY OF FINAL
JUDGMENT**

Complaint Filed: June 17, 2022
Trial Date: August 9, 2024

**[FIRST AMENDED ~~PROPOSED~~] ORDER GRANTING FINAL APPROVAL OF REPRESENTATIVE ACTION
SETTLEMENT AND ENTRY OF FINAL JUDGMENT**

PROPOSED ORDER

Walter Portillo’s (“Plaintiff”) Motion for Approval of Representative Action Settlement (“Motion”) came before this Court, the Honorable Wendy Chang presiding. The Court, having considered the papers submitted in support of the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

Having considered Plaintiff’s Motion, and all legal authorities and documents submitted in support thereof, including the Private Attorneys General Act (“PAGA”) Settlement Agreement (“Settlement Agreement”), attached to the Kingsley Declaration as Exhibit “A”, and good cause appearing, IT IS HEREBY ORDERED that Plaintiff’s Motion is GRANTED, subject to the following findings and orders:

1. The Settlement Agreement is approved.
2. All terms, definitions and conditions set forth in the Settlement Agreement are adopted and incorporated by reference into this Order and Judgment.
3. The Court finds the Settlement is fair and reasonable.
4. Upon the Effective Date, Plaintiff shall, on behalf of himself, the State of California, and all PAGA Members, release the Released Parties from the Released Claims during the PAGA Period, as defined by the terms of the Settlement Agreement.
5. The Court approves the Gross Settlement Amount of \$299,000.00
6. The Court approves the PAGA Penalties in the amount of \$169,981.87.
7. The Court approves 75% of the PAGA Penalties being allocated to the LWDA in the amount of \$127,486.40.
8. The Court directs that the remaining 25% of the PAGA Penalties, in the amount of \$42,495.47 shall be allocated to the PAGA Members.
9. The Court approves the PAGA Counsel’s request for reimbursement of case costs in the amount of \$15,101.46 and attorneys’ fees in the amount of \$99,666.67.

- 1 10. The Court approves the settlement administration costs of \$6,750.00.
- 2 11. The Court approves the Representative Enhancement Award in the amount of
- 3 \$7,500.00.
- 4 12. The Parties are ordered to carry out the terms of the Settlement Agreement.
- 5 13. This action is dismissed in its entirety with prejudice, and final judgment is
- 6 entered thereon.
- 7 14. Pursuant to C.C.P §664.6, the Court shall have and retain continuing jurisdiction
- 8 over this action and the Parties and the PAGA Members including after the entry
- 9 of this Order and Final Judgment, to the fullest extent necessary to interpret,
- 10 enforce and effectuate the terms and intent of the Settlement Agreement and this
- 11 Order.

12

13 **DATED:** 04/24/2024




JUDGE OF THE SUPERIOR COURT
Wendy Chang / Judge

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On April 18, 2024, I served all interested parties in this action the following documents described as: **[FIRST AMENDED PROPOSED] ORDER GRANTING APPROVAL OF REPRESENTATIVE ACTION SETTLEMENT AND ENTRY OF FINAL JUDGMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

LITTLER MENDELSON, P.C.

Timothy Wojcik

TWojcik@littler.com

Tracy R. Leidner

TLeidner@littler.com

Fermin Llaguno

FLlaguno@littler.com

Karla Garcia

KGarcia@littler.com

Jessica Zepeda

JZepeda@littler.com

18565 Jamboree Road, Suite 800

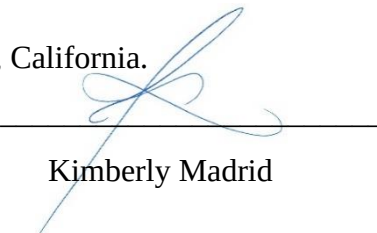
Irvine, California 92612

[XX] (BY ELECTRONIC SERVICE): I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 18, 2024, at Los Angeles, California.



Kimberly Madrid