

THE MARKHAM LAW FIRM

David R. Markham (SBN 71814)

dmarkham@markham-law.com

Lisa R. Brevard (SBN 323391)

lbrevard@markham-law.com

888 Prospect Street, Suite 200

La Jolla, CA 92037

Telephone: (619) 399-3995/Facsimile: (619) 615-2067

COHELAN KHOURY & SINGER

Isam C. Khoury (SBN 58759)

ikhoury@ckslaw.com

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Maggie K. Realin (SBN 263639)

mrealin@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001/Facsimile: (619) 595-3000

UNITED EMPLOYEES LAW GROUP

Walter L. Haines (SBN 71075)

whaines@uelglaw.com

8605 Santa Monica Blvd., #63354

West Hollywood, CA 90069

Telephone: (562) 256-1047/Facsimile: (562) 256-1006

Attorneys for Plaintiff Kevin Hickey

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

KEVIN HICKEY, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

TRANSFORM SEARS HOME SERVICES,
LLC, a Delaware corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No. 34-2022-0321759

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Lauri A. Damrell

REPRESENTATIVE ACTION

**[PROPOSED] ORDER GRANTING
APPROVAL OF PRIVATE ATTORNEYS
GENERAL ACT (PAGA) SETTLEMENT AND
JUDGMENT**

Date: March 28, 2025

Time: 9:00 a.m.

Dept: 22

Reservation No: A-321759-001

Complaint filed: June 14, 2022

Trial date: None Set

1 This matter came on for hearing on March 28, 2025 Department 22 of this Court on
2 Plaintiff's unopposed Motion for Approval of Private Attorneys General Act ("PAGA")
3 Settlement. Having consider the Motion, all legal authorities and documents submitted in
4 support, the declarations and the fully-executed Representative Action Settlement Agreement
5 and Release ("Settlement Agreement"), and good cause appearing, IT IS ORDERED that the
6 Motion is GRANTED, subject to the following orders:

- 7 1. The Court approves the Gross Settlement Amount of \$1,390,000.00;
- 8 2. The Court approves that this Settlement be paid out in installments as agreed in
9 paragraph 9.1 of the Settlement Agreement;
- 10 3. The Court orders 75% of the Net Settlement Fund, \$677,947.83, be paid to the
11 California Labor and Workforce Development Agency as PAGA penalties;
- 12 4. The Court orders 25% of the Net Settlement Amount, \$225,982.61, be paid to
13 the Aggrieved Employees in pro rata shares based on the number of pay periods worked from
14 April 8, 2021 to the date of this order, as PAGA penalties;
- 15 5. The Court approves and awards Plaintiff's Counsel, Cohelan Khoury & Singer,
16 The Markham, Law Firm and United Employees Law Group, attorneys' fees of \$463,333.33,
17 and litigation costs of \$16,936.23;
- 18 6. The Court finds the payment of \$5,800.00 to the Administrator, Simpluris, Inc.,
19 for expenses incurred in the administration of this Settlement, is fair and reasonable, and orders
20 the Administrator to make this payment to itself in accordance with the Agreement;
- 21 7. If any Aggrieved Employee fails to negotiate their settlement check within 180
22 calendar days after mailing, Simpluris, Inc. will send the amount of such settlement checks to
23 the California State Controller for deposit in the Unclaimed Property Fund in the name of the
24 employee.

25 **JUDGMENT**

- 26 1. In accordance with, and for the reasons stated in this Order, judgment shall be
27 entered whereby named Plaintiff and all Aggrieved Employees shall take nothing from
28 Defendants, except as expressly set forth in the Representative Action Settlement Agreement

1 and Release (“Settlement Agreement”), which was filed as part of Plaintiff’s Motion for Order
2 Granting Approval of a Private Attorneys General Act (“PAGA”) Settlement, and except as
3 specified in Plaintiff’s Individual Settlement and Release Agreement.

4 2. Under California Code of Civil Procedure section 664.6 and Rule 3.769(h) of
5 the California Rules of Court, this Court reserves exclusive and continuing jurisdiction over
6 this action, the named Plaintiff, the Aggrieved Employees, and Defendants, for the purposes of:

7 3. Supervising the implementation, enforcement, construction, and interpretation
8 of the Settlement Agreement, the Order Granting Approval of a PAGA Settlement, and the
9 Judgment; and

10 4. Supervising distribution of amounts paid under this Settlement.

11 5. This document shall constitute a judgment for purposes of Rules of Court, Rule
12 3.769(h).

13 6. A Compliance Hearing is set for Friday, October 31, 2024 at 10:30 a.m. At least
14 15 days prior to the settlement compliance hearing, counsel shall file a declaration regarding
15 the status of the distribution of the settlement funds. If the Court is satisfied that the settlement
16 funds have been fully distributed, no appearance will be required at the settlement compliance
17 hearing.

18 **IT IS SO ORDERED.**

19
20 Dated: _____

Honorable Lauri A. Damrell
Judge of the Superior Court