

1 James R. Hawkins (SBN 192925)  
Christina M. Lucio (SBN 253677)  
2 **JAMES HAWKINS APLC**  
9880 Research Drive, Suite 200  
3 Irvine, California 92618  
Telephone: (949) 387-7200  
4 Facsimile: (949) 387-6676  
James@Jameshawkinsaplc.com  
5 Christina@Jameshawkinsaplc.com

6 Attorneys for Plaintiff RAYLYNN HOLMES  
On behalf of herself and all others similarly  
7 situated

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF ALAMEDA**  
11

12 RAYLYNN HOLMES, individually and on  
behalf of herself and all others similarly  
13 situated,

14 Plaintiff,  
15 v.

16 PET FOOD EXPRESS, LTD., a California  
Corporation; and DOES 1-10, inclusive,

17 Defendant.  
18  
19  
20  
21

Case No. 22CV014140

Assigned to: Hon. Noël Wise  
Dept.: 21

**Reservation ID: 947388561448**

**[PROPOSED] ORDER GRANTING  
APPROVAL OF SETTLEMENT  
AGREEMENT AND RELEASE OF PAGA  
CLAIMS; JUDGMENT**

Date: January 23, 2024  
Time: 1:30 p.m.

Complaint Filed: July 12, 2022  
CMC: December 8, 2023  
Trial: Not Set

**[PROPOSED] ORDER AND JUDGMENT**

This matter came before the Court on January 23, 2024, on Plaintiff's Raylynn Holmes ("Plaintiff") Motion for Approval of the Settlement Agreement and Release of PAGA Claims (the "Motion for Approval").

Having considered the Parties' Settlement Agreement, the Motion for Approval and supporting papers filed by Plaintiff, and the evidence and argument received by the Court, the Court grants approval of the Settlement Agreement and Release of PAGA Claims and HEREBY ORDERS THE FOLLOWING:

1. Except as otherwise defined in this Order and Judgment ("Order"), all capitalized terms have the same meaning as defined in the Settlement Agreement and Release of PAGA Claims ("Settlement Agreement"), a copy of which is attached as **Exhibit 1** to the Declaration of James R. Hawkins.

2. Pursuant to the California Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab. Code §§ 2699(1)(2), (1)(4), the California Labor Workforce and Development Agency ("LWDA") has been provided notice of the Settlement. In particular, on the date Plaintiff filed the motion seeking approval of the Settlement with the Court, Plaintiff submitted to the LWDA a Notice of Settlement enclosing a copy of the Settlement Agreement. Plaintiff's Notice of the Settlement to the LWDA complied with the notice requirements of PAGA. Confirmation of this Notice is attached as **Exhibit 4** to the Declaration of James R. Hawkins.

3. The Court approves the Settlement as to the Aggrieved Employees and the State of California, under Labor Code § 2699(1)(2).

4. The Court has jurisdiction over the subject matter of this litigation, over all Aggrieved Employees, and over those persons undertaking affirmative obligations under the Settlement.

5. The proposed PAGA Settlement Notice to Aggrieved Employees, attached as **Exhibit 3** to the Declaration of James R. Hawkins, fairly and adequately describes the Action, the approved Settlement, and is the best notice practicable under the circumstances.

6. The Court approves of the release of all Released Claims as set forth in Paragraph 38

1 of the Settlement Agreement against the Released Parties.

2       7.       The Court approves the allocation and payment of the Gross Settlement Amount of  
3 Six Hundred Twelve Thousand Five Hundred Dollars and Zero Cents (\$612,500.00) for the  
4 resolution of this action and compromise of claims brought under PAGA, to be paid in accordance  
5 with the terms of the Settlement Agreement.

6       8.       Under the terms of the Settlement Agreement, 75% of the PAGA Fund, or  
7 \$276,300.20, will be paid to the State of California Labor Workforce Development Agency  
8 (“LWDA Payment”). The remaining 25% of the PAGA Fund, or \$92,100.07, shall be distributed to  
9 the Aggrieved Employees in accordance with the terms of the Settlement Agreement. The Court  
10 authorizes the Settlement Administrator to pay the LWDA Payment and the Individual PAGA  
11 Payments, in accordance with the terms of the Settlement Agreement as modified by this Approval  
12 Order.

13       9.       The Court awards the Individual Settlement Payment to Plaintiff Raylynn Holmes in  
14 the sum of \$10,000.00 to be paid from the Gross Settlement Amount, in exchange for a general  
15 release of known and unknown claims against Defendant. The Court recognizes her service as  
16 representative as further consideration for the payment.

17       10.      The Gross Settlement Amount, PAGA Fund, and the methodology used to calculate  
18 the LWDA Payment and Individual PAGA Payments, in accordance with the Settlement  
19 Agreement, is approved under Cal. Lab. Code § 2699(1)(2).

20       11.      The Court approves Phoenix Settlement Administrators to act as the Settlement  
21 Administrator and authorizes the Settlement Administrator to calculate and pay the Aggrieved  
22 Employee Individual PAGA Payments, in accordance with the terms of the Settlement Agreement.  
23 The Court approves payment to the Settlement Administrator its actual fees and costs in accordance  
24 with the terms of the Settlement Agreement in the amount of \$14,000.00.

25       12.      The Court approves James R. Hawkins, Christina M. Lucio and Mitchell Murray of  
26 James Hawkins APLC as Plaintiff’s PAGA Counsel.

27       13.      The Court awards PAGA Counsel’s attorneys’ fees in the amount of 1/3 of the Gross  
28 Settlement Amount (estimated \$204,166.67), and actual litigation costs not to exceed \$18,500.00

1 (estimated \$15,933.06). The Court authorizes the Settlement Administrator to make these payments,  
2 in accordance with the terms of the Settlement Agreement.

3 14. Checks for Individual PAGA Payments sent to Aggrieved Employees shall be valid  
4 for 180 days after issuance. Funds remaining from any checks for Individual PAGA Payments  
5 uncashed after 180 days will be transmitted to a *cy pres*: Legal Services for Children, located at 870  
6 Market Street, Suite 356, San Francisco, California 94102; (415) 863-3762; www.lsc-sf.org.

7 15. Upon completion of the Settlement Administration proceedings as provided in  
8 Paragraph 40 of the Settlement Agreement, the Settlement Administrator will provide written  
9 certification of completion to the Court and counsel for the Parties, which shall be filed with the  
10 Court on or before \_\_\_\_\_ (suggested August 31, 2024).

11 16. Without affecting the finality of this Order and entry of judgment, the Court retains  
12 exclusive and continuing jurisdiction over this Action for purposes of supervising, administering,  
13 implementing, and enforcement of this Order and the Settlement.

14 17. Nothing in this Order or the Settlement shall be construed as an admission or  
15 concession by any party. The Settlement and this resulting Order and entry of judgement simply  
16 represent a compromise of disputed allegations.

17 18. The Court enters Judgment in accordance with the terms of the Settlement  
18 Agreement and this Order.

19 19. Plaintiff is directed to submit a copy of this Order and entry of Judgment to the  
20 LWDA within ten (10) calendar days of the date of this Order and entry of Judgment.

21 **IT IS SO ORDERED:**

22  
23 DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Noël Wise  
Judge of the Superior Court



# Superior Court of Alameda County Public Portal

## Make a Reservation

HOLMES vs PET FOOD EXPRESS, LTD., A CALIFORNIA CORPORATION, et al.

Case Number: 22CV014140 Case Type: Civil Unlimited Category: Other Employment Complaint Case

Date Filed: 2022-07-12 Location: Rene C. Davidson Courthouse - Department 21

### Reservation

Case Name:

HOLMES vs PET FOOD EXPRESS, LTD., A CALIFORNIA CORPORATION, et al.

Case Number:

22CV014140

Type:

Motion (Motion for Approval of PAGA Settlement)

Status:

RESERVED

Filing Party:

RAYLYNN HOLMES (Plaintiff)

Location:

Rene C. Davidson Courthouse - Department 21

Date/Time:

12/29/2023 9:00 AM

Number of Motions:

1

Reservation ID:

947388561448

Confirmation Code:

CR-ZAKFY8FOWNIKHNFEW

### Fees

| Description             | Fee  | Qty | Amount |
|-------------------------|------|-----|--------|
| Motion (name extension) | 0.00 | 1   | 0.00   |
| Court Technology Fee    | 1.00 | 1   | 1.00   |
| TOTAL                   |      |     | \$1.00 |

## Payment

Amount:

\$1.00

Type:

Visa

Account Number:

XXXX6358

Authorization:

02062D

Payment Date:

n/a

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