

COPY

LAW OFFICE OF SCOTT E. WHEELER

Scott E. Wheeler (SBN 187998)

Justin A. Wheeler (SBN 342226)

250 West First Street, Suite 216

Claremont, California 91711

Telephone: (909) 621-4988

Facsimile: (909) 621-4622

Email: sew@scottwheelerlawoffice.com

jaw@scottwheelerlawoffice.com

Attorney for Plaintiff and the other Aggrieved Employees

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 20 2023

BY *Victoria Sanchez*
VICTORIA SANCHEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER

VIVIANA BOTELLO, individually, and on
behalf of all others aggrieved employees,

Plaintiffs,

WORLD CLASS DISTRIBUTION INC., a
California corporation; A TRAIN
STAFFING LLC, a California limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: CIVSB2218549

[Hon. Jessica Morgan, Dept. S-26]

**[PROPOSED] ORDER GRANTING
APPROVAL OF PAGA SETTLEMENT
AND ENTERING JUDGMENT**

Action Filed: August 23, 2022

Trial Date: None Set

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

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[PROPOSED] ORDER AND JUDGMENT

The Court has before it the Motion for Approval of PAGA Settlement, submitted by Plaintiff Viviana Botello ("Plaintiff") and Defendants A Train Staffing LLC and World Class Distribution, Inc. ("Defendants") (collectively, the "Parties"), indicating that they have reached a settlement that will resolve this matter in its entirety. The Stipulation, and therefore this Order and Judgment incorporates the following defined terms.

Having received and considered the Settlement Agreement, the supporting papers filed by Plaintiff ¹, the Court grants approval of the Settlement and **HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:**

1. Except as otherwise defined in this Order and Judgment ("Order"), all capitalized terms have the same meaning as defined in the Settlement Agreement.

2. The California Labor Workforce and Development Agency ("LWDA") has been provided notice of the Settlement in accordance with PAGA, California Labor Code § 2699(1)(2), (1)(4). In particular, on the date Plaintiff filed her motion seeking approval of the Settlement with the Court, she submitted to the LWDA a notice of the Settlement enclosing a copy of the Settlement Agreement. Plaintiff's notice of the Settlement to the LWDA complied with the notice requirements of PAGA.

3. 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.

4. The Settlement is approved under Labor Code § 2699(1)(2).

5. The PAGA Settlement Notice to Aggrieved Employees, fairly and adequately describes the Action, the approved Settlement, and is the best notice practicable under the circumstances.

6. The Court finds that each Aggrieved Employee, in accordance with the Settlement,

¹ The Court has also reviewed and considered the records and files of this case, as well as all documents submitted in connection with Plaintiff's Motion for Approval of the PAGA Settlement, including the Declaration of Scott E. Wheeler.

1 **[PROPOSED] ORDER AND JUDGMENT**

2 The Court has before it the Motion for Approval of PAGA Settlement, submitted by
3 Plaintiff Viviana Botello ("Plaintiff") and Defendants A Train Staffing LLC and World Class
4 Distribution, Inc. ("Defendants") (collectively, the "Parties"), indicating that they have reached a
5 settlement that will resolve this matter in its entirety. The Stipulation, and therefore this Order and
6 Judgment incorporates the following defined terms.

7 Having received and considered the Settlement Agreement, the supporting papers filed by
8 Plaintiff¹, the Court grants approval of the Settlement and **HEREBY ORDERS AND MAKES**
9 **THE FOLLOWING DETERMINATIONS:**

10 1. Except as otherwise defined in this Order and Judgment ("Order"), all capitalized
11 terms have the same meaning as defined in the Settlement Agreement.

12 2. The California Labor Workforce and Development Agency ("LWDA") has been
13 provided notice of the Settlement in accordance with PAGA, California Labor Code § 2699(1)(2),
14 (1)(4). In particular, on the date Plaintiff filed her motion seeking approval of the Settlement with
15 the Court, she submitted to the LWDA a notice of the Settlement enclosing a copy of the Settlement
16 Agreement. Plaintiff's notice of the Settlement to the LWDA complied with the notice
17 requirements of PAGA.

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

21 4. The Settlement is approved under Labor Code § 2699(1)(2).

22 5. The PAGA Settlement Notice to Aggrieved Employees, fairly and adequately
23 describes the Action, the approved Settlement, and is the best notice practicable under the
24 circumstances.

25 6. The Court finds that each Aggrieved Employee, in accordance with the Settlement,
26

27 ¹ The Court has also reviewed and considered the records and files of this case, as well as all documents submitted in
28 connection with Plaintiff's Motion for Approval of the PAGA Settlement, including the Declaration of Scott E. Wheeler.

1 releases all Released Claims against the Released Parties.

2 7. The Gross Settlement Amount and the methodology used to calculate the PAGA
3 Payment and Individual PAGA Payments set forth in the Settlement Agreement are approved.

4 8. The Court approves the General Release Payment to Plaintiff in the amount of
5 \$7,000. The Court authorizes the Settlement Administrator to make this payment, in accordance
6 with the terms of the Settlement Agreement.

7 9. The Court approves Phoenix Settlement Administrators to act as the Settlement
8 Administrator. The Court awards the Settlement Administrator in this Action its actual fees and
9 costs in accordance with the terms of the Settlement Agreement, not to exceed \$11,500.

10 10. The Court approves Scott Ernest Wheeler and Justin A. Wheeler of the Law Office
11 of Scott Ernest Wheeler as PAGA Counsel.

12 11. The Court awards PAGA Counsel attorneys' fees in the amount of \$233,100 and
13 costs of \$16,950.72, which the Court finds to be fair and reasonable. The Court authorizes the
14 Settlement Administrator to make these payments, in accordance with the terms of the Settlement
15 Agreement.

16 12. The Court authorizes the Settlement Administrator to calculate the PAGA Payment
17 Fund, inclusive of the LWDA Payment and PAGA Aggrieved Employee Payment (which is
18 comprised of the Individual PAGA Payments), in accordance with the terms of the Settlement
19 Agreement.

20 13. The Court finds that payment to the LWDA of 75% of the PAGA Payment as its
21 share of the settlement of PAGA civil penalties is fair and reasonable. The Court authorizes the
22 Settlement Administrator to pay the LWDA payment, in accordance with the terms of the
23 Settlement Agreement.

24 14. The Court finds that payment to the PAGA Aggrieved Employee Payment of 25%
25 of the PAGA Payment as the Aggrieved Employees' share of the settlement of civil penalties is fair
26 and reasonable. The Court authorizes the Settlement Administrator to pay the PAGA Aggrieved
27 Employee Payment, in accordance with the terms of the Settlement Agreement.

15. Checks for Individual PAGA Payments sent to Aggrieved Employees shall be valid for 180 calendar days after issuance. Funds remaining from any checks for Individual PAGA Payments uncashed after 180 calendar days will be dispersed to the California State Controller's Unclaimed Property fund in the name(s) of the employee(s) who did not cash their checks, in accordance with the terms of the Settlement Agreement.

16. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, to enforce the terms of the judgment, and any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit, including but not limited to all matters related to the Settlement and the determination of all controversies relating thereto.

17. A Hearing Re: Distribution with the terms of the Settlement is set for 12/20/24 at 8:30 a.m./ p.m. in Department S-26. A report from Phoenix Settlement Administrators Re: Distribution of the Settlement funds shall be filed ten (10) court days before the scheduled Hearing Re: Distribution.

18. Plaintiff's Motion for Approval of the PAGA Settlement is hereby granted and the Court directs that a judgment shall be entered in accordance with the terms of this Order.

19. This document shall constitute a Judgment for purposes of California Rule of Court 3.769(h).

20. The Court enters final judgment in accordance with the terms of the Settlement Agreement and this Order.

IT IS SO ORDERED:

Jessica L. Morgan

DATED: DEC 20, 2023

HONORABLE JESSICA MORGAN
JUDGE OF THE SUPERIOR COURT