

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

08/01/2024

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TULARE

ABRAHAM RODRIGUEZ, on behalf of the
State of California and other aggrieved persons,

Plaintiff,

v.

ELKHORN DAIRY, LLC, a California
corporation; and DOES 1 to 10, inclusive,

Defendants.

Case Nos.: VCU292891

PAGA REPRESENTATIVE ACTION

[Assigned for all purposes to: Hon. David
Mathias, Dept. 1]

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Date: July 11, 2024
Time: 8:30 a.m.
Dept: 6

[PROPOSED] ORDER

This matter came on for hearing on July 11, 2024 at 8:30 a.m. in Department 1 of the above-entitled Court, the Honorable David Mathias presiding. Based on the pleadings on record, all papers submitted in connection with Plaintiff's Notice of Motion and Motion to Approve PAGA Settlement (the "Motion"), and for good cause appearing, Plaintiff's Motion is GRANTED.

The Court approves the PAGA Settlement Agreement ("Settlement") entered into by Plaintiff Abraham Rodriguez ("Plaintiff") and Defendant Elkhorn Dairy, LLC ("Defendant," and together with Plaintiff, the "Parties"), which is attached to the Declaration of Justin F. Marquez in Support of Plaintiff's Motion to Approve PAGA Settlement as Exhibit B, and hereby ORDERS as follows:

1. Defendant shall pay the Gross Settlement Amount of \$90,000.00 according to the terms of the Settlement.

2. The Net Settlement Amount means the Gross Settlement Amount minus the following: (a) \$30,000 allocated to Attorneys' Fees; (b) \$13,569.51 allocated to litigation costs; (c) \$6,500.00 allocated to Settlement Administrator Costs; and (d) \$5,000.00 allocated to Plaintiff as a Service Award.

(a) The Court approves payment to Plaintiff's counsel, Wilshire Law Firm, of Attorneys' Fees in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00), to be paid from the Gross Settlement Amount.

(b) The Court approves payment to Plaintiff's counsel, Wilshire Law Firm, of litigation costs in the amount of ~~\$13,569.51~~ to be paid from the Gross Settlement Amount. **\$13269.51**

(c) The Court approves payment to the Settlement Administrator, Apex Class Action, LLC, for its reasonable costs and fees to administer the Settlement, not to exceed Eight Thousand Dollars and Zero Cents (\$6,500.00), to be paid from the Gross Settlement Amount.

(d) The Court approves Five Thousand Dollars and Zero Cents (\$5,000.00) to

be paid to Plaintiff as a Service Payment for his efforts as a named plaintiff and representative for other PAGA Employees and the State of California, to be paid from the Gross Settlement Amount.

3. Of the Net Settlement Amount, 75% is allocated to the California Labor and Workforce Development Agency (“LWDA”); and 25% is allocated to the Individual PAGA Payments.

4. The “PAGA Period” is defined as the period from June 7, 2021 through the date of approval of the settlement.

5. The “PAGA Employees” or “Aggrieved Employees” are defined as a person employed by Defendant Elkhorn Dairy, LLC in California and classified as hourly-paid, non-exempt workers who worked for Defendant Elkhorn Dairy, LLC during the PAGA Period. The PAGA Employees are bound by the release outlined in Paragraph 5.2 of the Settlement Agreement.

6. “Effective Date” means the date by when both of the following have occurred: (a) the Court enters a Judgment on its Order Approving the PAGA Settlement; and (b) the Judgment is final.

7. The Court directs Defendant to fully fund the Gross Settlement Amount by transmitting the funds to the Settlement Administrator within 30 days of the Effective Date.

8. The amount of each Aggrieved Employee’s Individual PAGA Payment will be calculated as follows: (a) the Settlement Administrator will divide the amount of the Aggrieved Employees’ share of PAGA Penalties by the total number of PAGA Period Pay Periods worked by all Aggrieved Employees during the PAGA Period; and (b) the Settlement Administrator will multiply the result in Part (a) by each Aggrieved Employee’s PAGA Period Pay Periods.

9. The Court directs the Parties and the Settlement Administrator to carry out the terms of the Settlement.

10. Under California Code of Civil Procedure section 664.6, the Court retains jurisdiction over the Parties to enforce the Settlement until performance in full of the Settlement’s terms.

11. Plaintiff’s counsel shall submit a copy of this Order to the LWDA.

12. The above-referenced action and all claims asserted by Plaintiff individually and in a representative capacity are hereby dismissed with prejudice.

13. Plaintiff shall give notice. Per 7/31/24 adopted tentative ruling.

DATE: 08/01/2024



Honorable David Mathias,
Tulare County Superior Court Judge

Rodriguez, et al. v. Elkhorn Dairy, LLC, et al.
VCU292891

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On **June 17, 2024**, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE PAGA SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Ian B. Wieland (SBN 285721)
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 David G. Litman (SBN 285768)
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 5260 North Palm Avenue, Suite 400
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 Telephone: (559) 421-7000
 Facsimile: (559) 473-1483 Attorneys for Defendant

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on **June 17, 2024** at Los Angeles, California.


Rebecca Padilla