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November 10, 2025

F I L E D
San Diego Superior Court

DEC 05 2025

Clerk of the Superior Court
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

MYIAH DORADO, as an aggrieved employee
pursuant to the Private Attorneys General Act
("PAGA"), on behalf of the State of California
and other non-party Aggrieved Employees,

Plaintiff,

vs.

FMS RESTAURANTS INC., a California
corporation; FMS MANAGEMENT, a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 37-2023-00002723-CU-OE-CTL

Assigned to the Hon. Wendy M. Behan

**[PROPOSED] ORDER APPROVING THE
PARTIES' PAGA SETTLEMENT
AGREEMENT AND JUDGMENT**

Date: December 5, 2025
Time: 10:15 a.m.
Place: Department C-66

Complaint Filed: July 19, 2022
Trial Date: None Set

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1 Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the
2 Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission,
3 concession, or liability whatsoever by or against Defendants.

4 8. The Court approves the gross settlement amount of \$1,140,000. After deducting the
5 approved amounts for attorneys' fees and costs and settlement administration costs, the net settlement
6 amount of \$736,494.09 will be allocated as follows: Seventy-Five Percent (75%), or approximately
7 \$552,370.57, shall be paid to the California Labor and Workforce Development Agency, and the
8 remaining Twenty-Five Percent (25%), or approximately \$184,123.52, shall be paid to Aggrieved
9 Employees.

10 9. The Court hereby awards \$380,000 in attorneys' fees and \$13,505.91 costs to Plaintiff's
11 Counsel, Capstone Law APC. The Court finds that the requested award of attorneys' fees is reasonable
12 for a contingency fee in a PAGA action such as this; i.e., one-third of the common fund created by the
13 settlement. Counsel have also established the reasonableness of the requested award of attorneys' fees
14 via their lodestar crosscheck (i.e., the product of reasonable hourly rates and hours billed).

15 10. The Court appoints ILYM Group, Inc. to serve as the Settlement Administrator, and
16 approves Settlement Administration Costs of \$10,000.

17 11. This Judgment shall be binding on all Aggrieved Employees and the State of California.
18 *See Arias v. Superior Court*, 46 Cal. 4th 969, 986 (2009) (holding that a judgment in a representative
19 action brought by an aggrieved employee under PAGA is binding not only on the named employee
20 plaintiff but also on state labor law enforcement agencies and any aggrieved employee not a party to the
21 proceeding).

22 12. Effective on the date when Defendants fully fund the entire Gross Settlement Amount,
23 all Aggrieved Employees will be deemed to have released, on behalf of themselves and their former and
24 present spouses, representatives, agents, attorneys (including PAGA Counsel), heirs, administrators,
25 successors, and assigns, all claims for PAGA penalties that were alleged, or reasonably could have been
26 alleged, based on the PAGA Period facts stated in the Operative Complaint and the PAGA Notice

27 13. Without affecting the finality of the Order and Judgment, the Court shall retain exclusive
28 and continuing jurisdiction under California Code of Civil Procedure section 664.6, over the above-

1 captioned action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.

2 This document shall constitute a judgment under California Code of Civil Procedure section 664.6.

3 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

4 Date

12/5/25


Hon. Wendy M. Behan

San Diego County Superior Court Judge