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VENTURA SUPERIOR COURT

MAR 14 2024

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VENTURA SUPERIOR COURT

FILED

03/26/2024

Brenda L. McCormick
Executive Officer and Clerk

Elizabeth Muller
Elizabeth Muller

Attorneys for Plaintiffs Rosalba Rios, Juan Sosa, and Fenix Valle, on behalf of themselves and all "aggrieved employees" pursuant to Labor Code § 2698 *et seq.*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

ROSALBA RIOS, JUAN SOSA, AND FENIX
VALLE, on behalf of themselves and all
"aggrieved employees" pursuant to Labor Code §
2698 *et seq.*,

Plaintiffs,

v.

PASCHEN MANAGEMENT CORPORATION,
a California corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 56-2022-00570446-CU-OE-VTA

Assigned to the Hon. Mark S. Borrell, Dept. 40

**[AMENDED PROPOSED] ORDER
APPROVING SETTLEMENT OF
CLAIMS BROUGHT PURSUANT TO
THE PRIVATE ATTORNEYS GENERAL
ACT OF 2004, AWARDING
ATTORNEYS' FEES, COSTS, SERVICE
AWARD PAYMENTS, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES, AND
DISMISSING ACTION WITH
PREJUDICE**

Date: March 13, 2024
Time: 8:30 A.M.
Dept.: 40

By Fax

Complaint Filed: September 26, 2022

1 Plaintiffs Rosalba Rios, Juan Sosa, and Fenix Valle ("Plaintiffs") Motion for an Order: (1)
2 granting approval of the proposed settlement of claims brought pursuant to the Private Attorneys
3 General Act of 2004 (Cal. Labor Code § 2698 *et seq.*) ("PAGA") set forth in the Parties' Settlement
4 Agreement and Release of Private Attorneys General Act Claim (the "Settlement" or "Settlement
5 Agreement"); (2) appointing Phoenix Settlement Administrators ("Phoenix") as the Settlement
6 Administrator and approving payment of its fees not to exceed \$10,750 from the Gross Settlement
7 Amount; (3) directing disbursement of the Gross Settlement Amount pursuant to the terms of the
8 Settlement Agreement; (4) directing payment of attorneys' fees and litigation costs from the Gross
9 Settlement Amount not to exceed \$124,589.40 to Counsel for Plaintiffs; (5) directing a Service
10 Award Payment from the Gross Settlement Amount in the amount of \$7,000 to each Plaintiff; and
11 (6) dismissing this Action with prejudice, came on for hearing before this Court in Department 40,
12 the Honorable Mark S. Borrell presiding, on March 13, 2024. Appearances were noted on the
13 record.

14 Having reviewed the Settlement Agreement and duly considered the Parties' papers and
15 oral argument, and good cause appearing,

16 **THE COURT HEREBY ORDERS AS FOLLOWS:**

17 1. All terms used herein shall have the same meaning as defined in the Settlement
18 Agreement, which is attached to the Declaration of Daniel F. Gaines as **Exhibit C**.

19 2. This Court has jurisdiction over the claims of the PAGA Members and the State of
20 California asserted in this proceeding and over all parties to the Action.

21 3. The Court finds that the Settlement was entered into in good faith, that the
22 Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and
23 applicable requirements for approval of PAGA representative actions under California law. The
24 Court finds that the Gross Settlement Amount of \$315,000 represents a fair compromise of the
25 claims alleged in the Action, considering the maximum potential value of the claims asserted and
26 the risks inherent in further litigation.

4. The Court has considered the authorities and evidence presented by Plaintiffs and based thereon hereby approves the following awards and deductions from the Gross Settlement Amount:

a. To Plaintiffs' Counsel, Gaines & Gaines, APLC, an award of attorneys' fees of 33-1/3% of the Gross Settlement Amount (i.e., \$105,000) and \$14,539.40 in reimbursement of litigation costs. The Court finds that these amounts are fair and reasonable and commensurate with applicable California law.

b. To Plaintiffs Rosalba Rios, Juan Sosa, and Fenix Valle, a Service Award Payment of \$5,000 each. The Court finds that both the time and effort that Plaintiffs spent on behalf of other PAGA Members and the State, as well as their full general release of all claims, justifies these payments.

c. To Phoenix Settlement Administrators, the settlement administrator, a payment of up to \$10,750 to administer the Settlement through its conclusion, including disbursement of the Gross Settlement Amount and all tax reporting associated therewith.

5. The amount remaining of the Gross Settlement Amount following these deductions is the Net Settlement Amount of approximately \$169,710.60. The Net Settlement Amount shall be distributed 75% to the Labor and Workforce Development Agency and 25% to the PAGA Members.

6. The Court finds that the Settlement has been provided to the LWDA as required by PAGA and Labor Code section 2699, subdivision (1)(2), in particular.

7. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

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1 8. The Court retains jurisdiction to enforce the Settlement Agreement pursuant to
2 Code of Civil Procedure § 664.6 and as otherwise allowed by law.

3 9. This Action is DISMISSED WITH PREJUDICE.

4 **IT IS SO ORDERED.**

5 03/21/2024

6 Dated: _____


JUDGE OF THE SUPERIOR COURT

8 **APPROVED AS TO FORM AND CONTENT:**

9 **ATTORNEYS FOR PLAINTIFFS:**

10 Dated: March 13, 2024

Respectfully submitted,

12 GAINES & GAINES, APLC

14 By: Daniel F. Gaines
Daniel F. Gaines
Alex P. Katofsky

16 **ATTORNEYS FOR DEFENDANT:**

17 Dated: March 13, 2024

FROST BROWN TODD LLP

18 By: /s/ Theodore E. Bacon
Theodore E. Bacon

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 within action. My business address is 4550 E. Thousand Oaks Blvd., Suite 100 Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On March 13, 2024, I served the foregoing documents described as **AMENDED PROPOSED ORDER**
6 **APPROVING SETTLEMENT OF CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEYS**
7 **GENERAL ACT OF 2004, AWARDING ATTORNEYS FEES, COSTS, SERVICE AWARD PAYMENTS,**
8 **AND REIMBURSEMENT OF SETTLEMENT ADMINISTRATION EXPENSES, AND DISMISSING**
9 **ACTION WITH PREJUDICE** on the interested parties in this action by placing a true copy thereof enclosed in
10 sealed envelopes addressed as follows:

11 **THEODORE E. BACON, ESQ.**
12 **tbacon@fbtlaw.com**
13 **FROST BROWN TODD LLP**
14 **235 Pine St, Ste 1150**
15 **San Francisco, CA 94104**

16 On the above date:

17 _____ (BY ☐ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
18 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
19 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course
20 of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or
21 postage meter date is more than one day after date of deposit for mailing in affidavit.

22 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box
23 or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
24 carrier or driver authorized by the express carrier to receive documents.

25 _____ (BY FACSIMILE TRANSMISSION) On March 13, 2024, at _____ a.m./p.m., at Westlake Village,
26 California, I served the above-referenced document on the above-stated addressee by facsimile transmission pursuant
27 to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-
28 8984 and the telephone number(s) of the receiving facsimile machine was (____) ____-____. A transmission report
was properly issued by the sending facsimile machine, and the transmission was reported as complete and without
error. Copies of the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

_____ (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce
Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by
the LWDA.

21 X (BY ELECTRONIC SERVICE) Based on an agreement of the parties to accept electronic service, I caused
22 the documents to be sent to the persons at the electronic service addresses listed above.

23 I certify that the above document was printed on recycled paper.
24 I declare under penalty of perjury that the foregoing is true and correct.
25 Executed on March 13, 2024, at Westlake Village, California.

26 _____
27 JEREMY REYES
28