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JEYAKANTH SELVARANJAN and
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

JEYAKANTH SELVARANJAN, an individual; K.
MAYURAN, an individual,

Plaintiff,

v.

DAKSHIN INDIAN RESTAURANT LLC, a
California Limited Liability Company; HERITAGE
FOODS LLC, a California Limited Liability
Company; and DOES 1 through 100, inclusive

Defendants.

Case No. 16CV295349

**STIPULATION AND [PROPOSED]
ORDER APPROVING
SETTLEMENT OF PAGA CLAIMS**

Plaintiffs JEYAKANTH SELVARANJAN, K. MAYURAN and Defendants DAKSHIN
INDIAN RESTAURANT LLC and HERITAGE FOODS LLC, by and through their attorneys of
record, stipulate as follows:

1. Plaintiffs filed a wage and hour action on May 19, 2016. The complaint was then
amended on October 28, 2016 to include a cause of action for penalties pursuant to the
Labor Code Private Attorneys General Act of 2004.

2. On December 14, 2017 the parties participated in a full day mediation with well-
respected employment mediator – Hon. Kevin Murphy (Ret.) and arrived at a global, confidential

1 settlement at mediation. The parties now seek an Order approving the PAGA portion of the
2 settlement.

3 3. PAGA permits an aggrieved employee to sue an employer for civil penalties
4 associated with the employer's alleged violation of various California Labor Code provisions.
5 *Labor Code* § 2699(a). Pursuant to the statute, of the amount paid to settle a claim for PAGA
6 penalties, twenty-five percent (25%) is payable to the employee prosecuting the action and seventy-
7 five percent (75%) is payable to the California Labor and Workforce Development Agency
8 (LWDA). *Labor Code* §2699(i). Under Labor Code § 2699(1)(2), "[t]he Superior Court shall
9 review and approve any settlement of any civil action filed pursuant to this part." Under the terms
10 of the parties' settlement, the parties have allocated \$16,000 to the PAGA claims. Defendants will
11 write a check in the total sum of Seven Thousand Five Hundred Dollars (\$7,701) payable to the
12 California LWDA; OneThousand Two Hundred Eighty Three Dollars (\$1,283.00) to each Plaintiff
13 as part of the settlement of the PAGA penalties sought in this case; and Five Thousand Seven
14 Hundred and Thirty Three (\$5,733) to Venardi Zurada LLP counsel for Plaintiff representing a 1/3
15 contingency (\$5,333) plus a pro-rata allocation of costs to the PAGA claim (\$400).

16 4. Good cause exists to grant relief on this issue by approving the PAGA portion of the
17 settlement because: (a) the parties entered into an arms-length settlement resolving the PAGA
18 claims, (b) approval of the settlement of the PAGA claims will fully and entirely resolve this case;
19 (c) waiting for the process of a noticed motion will simply delay the resolution of the case; and
20 (d) the parties are operating under the expectation that the matter has been resolved and, thus, are
21 not taking any further action with respect to litigating their PAGA claims if the case is not resolved.

22 5. Notwithstanding the confidentiality of the settlement agreement, if requested by the
23 Court, the parties have agreed that the other terms of the settlement may be disclosed to the Court *in*
24 *camera* if necessary to secure approval of the settlement of the PAGA claims.

25 6. Plaintiffs will concurrently submit a copy of this stipulation to the LWDA.

26 7. The parties respectfully request that the Court approve the settlement of the PAGA
27 claims.

28 IT IS SO STIPULATED.

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Dated: March 21, 2018

VENARDI ZURADA LLP



Martin Zurada
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JEYAKANTH SELVARANJAN and
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Dated: March 22, 2018

ROPERS, MAJESKI, KOHN & BENTLEY



DANIEL P. McKINNON
Attorneys for Defendant,
DAKSHIN INDIAN RESTAURANT LLC
and HERITAGE FOODS LLC

[PROPOSED] ORDER

The Court has reviewed the Stipulation of the Parties, including the terms of the proposed settlement of PAGA penalties. The Court hereby ORDERS as follows:

1. The Court approves the PAGA portion of the proposed settlement; and
2. Plaintiffs shall submit a copy of this Order to the LWDA within 10 days after entry of this Order.

Date: _____

JUDGE OF THE SUPERIOR COURT