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Attorneys for Plaintiff Jesus Salazar

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

05/17/2024 at 12:49:00 PM

Clerk of the Superior Court
By E- Filing, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JESUS SALAZAR *et al.*

Plaintiff,

vs.

WESTCOTT ENTERPRISES, INC. *et al.*

Defendants.

Case No. 37-2022-00048854-CU-OE-CTL

Hon. Robert Longstreth
Dept. 65

**Notice of Entry of Order Approving PAGA
Settlement and Entering Judgment**

Action Filed: December 6, 2022

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
2 TAKE NOTICE THAT:

3 1. On May 9, 2024, in this Department, the Court entered the Order Approving PAGA
4 Settlement and Judgment attached hereto as Exhibit 1.

5 2. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

6 3. A copy of this Notice has been submitted to the LWDA via its online electronic portal
7 in accordance with Labor Code § 2699(1)(3).

8 4. Notice of the Court's final ruling and entry of judgment is hereby provided.
9

10 Respectfully submitted,

11 Dated: May 17, 2024

Ferraro Vega Employment Lawyers, Inc.

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14 _____
15 Nicholas J. Ferraro
16 Lauren N. Vega
17 Attorneys for Plaintiff Jesus Salazar
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EXHIBIT 1

Nicholas J. Ferraro (State Bar No. 306528)
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Attorneys for Plaintiff Jesus Salazar

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
05/09/2024 at 09:29:00 AM
Clerk of the Superior Court
By Mariejo Guyot, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JESUS SALAZAR *et al.*

Plaintiff,

vs.

WESTCOTT ENTERPRISES, INC. *et al.*

Defendants.

Case No. 37-2022-00048854-CU-OE-CTL

Hon. Robert Longstreth
Dept. 65

**[Amended ~~Proposed~~] Order Approving
PAGA Settlement**

Motion for PAGA Approval Hearing

Date: May 3, 2024

Time: 8:30 a.m.

[Filed concurrently with Notice of Motion and
Motion for Approval of PAGA Settlement,
Memorandum in Support of Plaintiff's Motion
for Approval of PAGA Settlement, Declaration
of Nicholas J. Ferraro, and Declaration of
Plaintiff Jesus Salazar]

Action Filed: December 6, 2022

1 **[AMENDED PROPOSED] ORDER**

2 This matter came on for hearing on May 3, 2024 at 8:30 a.m. in Department 65 of the above-
3 captioned Court on Plaintiff's Motion for Approval of PAGA Settlement ("Motion").

4 Having fully reviewed the Motion, the supporting Memorandum, Declaration of Nicholas J.
5 Ferraro (and its exhibits), and Declaration of Plaintiff Jesus Salazar the Court makes the following
6 determinations and orders: Plaintiff's Motion for Approval of PAGA settlement is **GRANTED** and
7 approved pursuant to California Labor Code section 2699(1)(2). The terms of the Settlement are
8 incorporated into this Order as though fully set forth herein. Accordingly, the \$72,000 gross settlement
9 shall be distributed as follows:

- 10 1. \$23,879.18 to the Labor and Workforce Development Agency for PAGA penalties
11 2. \$7,959.73 to the PAGA Employees
12 3. \$5,000 to Plaintiff as an enhancement payment
13 4. \$24,000 to Plaintiff's counsel for attorneys' fees
14 5. \$8,411.09 to Plaintiff's counsel for costs
15 6. \$2,750 to the Settlement Administrator

16 Plaintiff, Defendants, and the Settlement Administrator are ordered to carry out the terms of
17 the settlement in accordance with the Settlement Agreement.

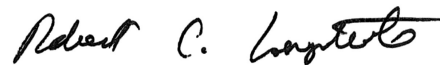
18 The Court sets a compliance hearing for **December 20, 2024 at 8:30 a.m.** The settlement
19 administrator's report shall be filed by Plaintiff on or before **December 11, 2024.**

20 **JUDGMENT**

21 Judgment shall be entered through the filing of this order and judgment. Cal. Code Civ. Proc.
22 § 668.5. Plaintiff shall take from the Complaint only the relief set forth in the Settlement Agreement
23 and this Order and judgment. The Court retains jurisdiction over the parties to enforce the terms of
24 the Settlement Agreement and the final order and judgment.

25 **IT IS SO ORDERED**

26 **05/09/2024**



27 _____
28 Hon. Robert Longstreth
Judge of the Superior Court

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - May 02, 2024

EVENT DATE: 05/03/2024

EVENT TIME: 08:30:00 AM

DEPT.: C-65

JUDICIAL OFFICER: Robert Longstreth

CASE NO.: 37-2022-00048854-CU-OE-CTL

CASE TITLE: SALAZAR VS WESTCOTT ENTERPRISES INC [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 04/11/2024

Plaintiff's Motion for Approval of PAGA Settlement (ROA 37) is **GRANTED**.

The court finds that the proposed settlement is "fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.)

The Labor Code mandates that penalties are to be distributed 75% to the Labor Workforce & Development Agency ("LWDA") and 25% to the aggrieved employees. (Lab. Code § 2699(i).) The settlement appears to comply with this requirement because expressly provides the PAGA penalties are to be paid 75% to the LWDA and 25% to the aggrieved employees, consistent with statute. (Ferrero Decl. at Exh. 1, § II.3.) However, counsel's calculation of the exact amounts to be distributed is inconsistent with the required percentages. (*Id.* at ¶ 19.) The court presumes this was just an error in the calculation, and approval is granted based on this assumption.

Trial and all related dates are ordered VACATED in light of the settlement.

The court sets a compliance hearing for **December 20, 2024 at 8:30 a.m.** The settlement administrator's report is to be filed by Plaintiff on or before December 11, 2024.

Plaintiff is to submit a revised proposed order and Judgment within five (5) days correcting the calculations of the distributions to the aggrieved employees and the LWDA and adding the compliance hearing date and report deadline.