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10 Attorney for Plaintiff Kaitlin Talley, on
11 behalf of herself and all others similarly
situated and the general public
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13 SUPERIOR COURT OF CALIFORNIA

14 COUNTY OF SANTA CLARA

15 KAITLIN TALLEY, on behalf of herself and	) Case No. 22CV403416
16 all others similarly situated and the general	) Honorable Charles F. Adams
public,	) Dept. 7
17	)
Plaintiff,	) STIPULATION FOR COURT
18	) APPROVAL OF PAGA SETTLEMENT
v.	)
19	)
20 TRAVEL NURSE ACROSS AMERICA, LLC	) Action filed: September 22, 2022
an Arkansas limited liability company; and	)
21 DOES 1 to 100,	)
22	)
Defendants.	)
23	)

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STIPULATION FOR COURT APPROVAL OF PAGA SETTLEMENT

1 **WHEREAS**, on September 22, 2022, Plaintiff filed a Class Action Complaint on behalf of
2 herself and the general public, alleging violations of the Business and Professions Code and various
3 sections of the Labor Code;

4 **WHEREAS**, on November 8, 2022, Plaintiff filed a First Amended Complaint (the
5 "FAC"), which added a cause of action for violation of PAGA on behalf of herself and other
6 allegedly aggrieved employees to the Class Action Complaint;

7 **WHEREAS**, on May 22, 2023, Defendant filed a Motion to Dismiss Class Claims, Compel
8 Arbitration of Individual Claims, Stay Non-Individual PAGA Claims, and Stay Entire Action,
9 which sought an order compelling arbitration of Plaintiff's claims, dismissing her class claims, and
10 staying the litigation pending arbitration (the "Motion");

11 **WHEREAS**, on July 24, 2023, the Court granted the Motion and issued an order: (1)
12 dismissing Plaintiff's class claims; (2) ordering the Parties to arbitrate Plaintiff's individual claims;
13 and (3) staying the instant litigation, including the representative PAGA claim, pending arbitration;

14 **WHEREAS**, Plaintiff filed a Demand for Arbitration on or about August 4, 2023;

15 **WHEREAS**, the Parties subsequently stipulated to forgo the arbitration of Plaintiff's
16 individual claims, return her individual claims to the instant litigation, and engage in a mediation of
17 her individual claims and the representative PAGA claim to promote efficient adjudication of those
18 claims;

19 **WHEREAS**, the Parties engaged in mediation with respected wage and hour mediator
20 Monique Ngo-Bonnici, Esq., on September 18, 2024 and reached a settlement, which is
21 memorialized in the terms of a written agreement and subject to court approval;

22 **WHEREAS**, the Plaintiff seeks approval of a PAGA settlement in the gross amount of
23 \$850,000.00, on behalf of the State of California and the allegedly Aggrieved Employees who are
24 or were employed by Defendant Travel Nurse Across America, LLC ("TNAA"). The Aggrieved
25 Employees are defined in the context of the Parties' settlement agreement only as follows: All
26 hourly non-exempt employees of TNAA employed in California during the relevant time period of
27 September 2, 2021 through December 18, 2024, or the date of Court approval of the settlement,
28 whichever comes first;

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2 **WHEREAS**, the first available date for the Court to hear a noticed motion for approval of
3 the PAGA settlement is May 8, 2025 at 1:30 p.m., which Plaintiff has reserved;

4 **WHEREAS**, in light of *Turrieta v. Lyft, Inc.*, 16 Cal. 5th 664 (2024), and the fact that
5 Labor Code § 2699(s)(2) as well as Labor Code § 2699.3(b)(4) permit courts to approve any
6 settlement of any action filed under PAGA without a noticed motion;

7 **WHEREAS**, Labor Code § 2699(s)(2) requires the Superior Court to review and approve
8 any settlement of any action filed under PAGA, it does not specify how the Court must accept the
9 settlement to be reviewed. Where the course of proceedings is not specifically pointed out by the
10 Code of Civil Procedure or the underlying statute, any suitable process or mode of proceeding may
11 be adopted by the Court which may appear most conformable to the spirit of the Code. (*See* CCP §
12 187);

13 **WHEREAS**, the concurrently filed Motion for Court Approval of PAGA Settlement,
14 Declaration of Janelle Carney, Declaration of Adam Rose, Declaration of Kaitlin Talley, and the
15 Proposed Order, detail the facts and demonstrate the reasonableness of the settlement; and

16 **WHEREAS**, the Parties would be agreeable for an advanced date from the May 8, 2025
17 reserved date and/or would be agreeable to have the Court approve the settlement without a
18 hearing.

19 **NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:**

- 20 1. The Parties request that the Court approve the Parties' PAGA settlement as provided
21 in the concurrently filed Declaration of Janelle Carney, Exhibit 1; or in the
22 alternative,
23 2. Advance the May 8, 2025 hearing date to a date in January 2025 that works for the
24 Court.

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IT IS SO STIPULATED.

Dated: December 23, 2024

**JANELLE CARNEY – ATTORNEY AT LAW, APC
FRONTIER LAW CENTER**

By: S/ Janelle Carney
Janelle Carney

Attorney for Plaintiff
KAITLIN TALLEY

Dated: December 23, 2024

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By: S/ Anthony D. Sbardellati
Sarah Kroll-Rosenbaum
Anthony D. Sbardellati
Nancy Sotomayor

Attorneys for Defendant
TRAVEL NURSE ACROSS AMERICA, LLC