

1 **ADVOCATES FOR WORKER RIGHTS LLP**
2 MARCO A. PALAU (Bar No. 242340)
3 marco@advocatesforworkers.com
4 JOSEPH D. SUTTON (Bar No. 269951)
5 jds@advocatesforworkers.com
6 ERIC S. TRABUCCO (Bar No. 295473)
7 est@advocatesforworkers.com
8 212 9th Street, Suite 314
9 Oakland, California 94607
10 Telephone: (510) 269-4200
11 Facsimile: (408) 657-4684

12 Attorneys for Plaintiffs

13
14
15 **CALIFORNIA SUPERIOR COURT**
16 **IN AND FOR THE COUNTY OF MERCED**
17

18 MARIA GUADALUPE MARTINEZ and
19 ADRIAN ARROYO, individually and on behalf
20 of other persons similarly situated,

21 Plaintiffs,

22 vs.

23 AMANDEEP KAUR KANDOLA and
24 BHUPINDER SINGH KANDOLA, individuals
25 doing business as KANDOLA FARMS; and
26 Does 1-20, inclusive,

27 Defendants.
28

Case No.: 22CV-02963

**ORDER GRANTING
MOTION FOR APPROVAL OF PAGA
SETTLEMENT OF PLAINTIFFS'
INDIVIDUAL CLAIMS**

Date: March 7, 2024
Time: 8:15 a.m.
Location: Dept. 8

Before the Honorable Brian McCabe

FILED
2024 MAR -7 AM 11:00
CLERK OF THE SUPERIOR COURT
BY  DEPUTY

ORDER

Having reviewed Plaintiffs' unopposed Motion for Approval of PAGA Settlement of Plaintiffs' Individual Claims, the Declaration of Eric S. Trabucco, and the exhibits attached thereto, the record and papers submitted in this matter, and the oral argument provided at the hearing, the Court hereby **ORDERS** that:

1. Plaintiff Maria Guadalupe Martinez's Settlement, including the amount of civil penalties assessed under California Labor Code sections 2698, *et seq.* ("PAGA"), payable to the California Labor and Workforce Development Agency ("LWDA"), is approved. Plaintiff Martinez, by and through her counsel, has satisfied the standards and applicable requirements for approval of the settlement of a claim for civil penalties under PAGA pursuant to Labor Code sections 2699(1)(2).

2. Plaintiff Adrian Arroyo's Settlement, including the amount of civil penalties assessed under PAGA, payable to the LWDA, is approved. Plaintiff Arroyo, by and through his counsel, has satisfied the standards and applicable requirements for approval of the settlement of a claim for civil penalties under PAGA pursuant to Labor Code sections 2699(1)(2).

3. This Order does not apply to any representative PAGA claims alleged or asserted on behalf of absent aggrieved employees, which shall be dismissed without prejudice following the approval of Plaintiffs' individual PAGA claims, which Plaintiffs seek to release herein, as stated in Section 6.a of the Settlement Agreements:

Release of Asserted Claims. Plaintiff and Plaintiff's heirs, executors, administrators, successors, and assigns knowingly and voluntarily release and forever discharge Releasees of any and all claims, damages, debts, agreements, lawsuits, and judgments, whether known or unknown, arising out of or in any way connected with 1) the claims asserted in the Action, 2) any other claims arising from Plaintiff's employment by Defendant and/or any of the Releasees, and any and all transactions, occurrences, or matters between the Parties and/or the Releasees occurring prior to the date of this Agreement. The Released Claims includes, but is not limited to, Plaintiff's claims for: (1) Failure to Pay for All Hours Worked; (2) Failure to Pay Minimum Wage; (3) Failure to Pay Overtime Wages; (4) Failure to Provide Meal Periods or Pay premium Wages in Lieu Thereof; (5) Failure to Provide Rest Breaks or Pay premium Wages in Lieu Thereof; (6) Failure to Furnish Accurate Itemized Wage Statements; (7) Failure to Pay Final Wages Timely Upon Cessation of Employment; (8) Violation of

Unfair Competition Law Pursuant to Business & Professions Code sections 17200, *et seq.*, and (9) PAGA claims for civil penalties on an individual/non-representative basis for Plaintiff only.

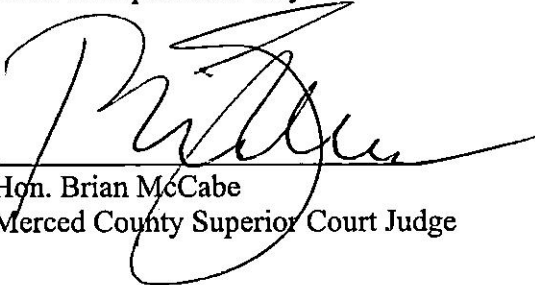
4. Plaintiffs' Counsel is instructed, pursuant to Section 2.a.3 of the Settlements, to submit to the LWDA Plaintiffs' portions of the PAGA civil penalties payable to the LWDA pursuant to Labor Code section 2699(i), for which an IRS Form 1099-MISC shall be issued to Plaintiff's Counsel.

5. Without affecting the finality of this Order or the Judgment entered thereon, the Court retains jurisdiction over the Parties, the LWDA, and Plaintiffs in this matter relating to the interpretation, administration, implementation, effectuation and enforcement of the Order and Settlement Agreement.

6. Judgment in this matter is hereby entered in accordance with the foregoing with respect to Plaintiffs' individual PAGA claims for civil penalties only.

IT IS SO ORDERED.

Dated: MAR 07 2024


Hon. Brian McCabe
Merced County Superior Court Judge