

FEB 28 2024

CLERK OF THE COURT
BY: Christina Echeverria
Deputy Clerk



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

ALFREDO ABARCA, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CIRCOSTA IRON & METAL COMPANY,
INC., a California corporation; and DOES 1
through 100, Inclusive,

Defendants.

Case No. CGC-22-602245

ORDER GRANTING APPROVAL OF
SETTLEMENT OF CLAIMS BROUGHT
UNDER THE PRIVATE ATTORNEYS
GENERAL ACT

1 Plaintiff Alfredo Abarca's ("Plaintiff") Motion for Approval of Settlement of Claims
2 Brought Under the Private Attorneys General Act and Reasonable Attorneys' Fees, Costs, and
3 Enhancement Payment came before this Court on February 28, 2024 at 9:00 a.m. Plaintiff and
4 Defendant Circosta Iron & Metal Company, Inc. ("Defendant") have entered into a settlement
5 agreement. Having considered the parties' Settlement Agreement ("Settlement"); the documents
6 and evidence presented in support thereof; and the record in the action, the Court hereby grants
7 approval of the Settlement pursuant to Labor Code section 2699(l). Good cause appearing
8 therefor, the Court hereby ORDERS as follows:

9 1. The term "Aggrieved Employees" shall consist of all current and former non-
10 exempt employees who worked for Defendant in the State of California during the PAGA Period.

11 2. The "PAGA Period" means October 6, 2021 through the date of this Order.

12 3. The Court hereby approves the Settlement as fair, reasonable, and adequate, and
13 directs the parties to effectuate the Settlement according to its terms.

14 4. In the event the Escalator Clause is triggered, any amendment to the PAGA period
15 shall require Court approval.

16 5. The Court hereby approves the PAGA Gross Settlement Amount ("PAGA GSA")
17 of \$135,000.00 and orders Defendant to deposit the PAGA GSA into an account established by
18 the Settlement Administrator, on the payment schedule specified in the Settlement. Specifically,
19 Defendant shall deposit \$100,000.00 within 15 calendar days of this Order, and the remaining
20 \$35,000.00 within 45 calendar days of this Order.

21 6. The Court hereby approves, as to form and content, the Amended Notice of PAGA
22 Settlement included as Exhibit A to the Parties' stipulation filed on February 26, 2024.

23 7. The Court hereby appoints ILYM Group, Inc. as the Settlement Administrator.

24 8. Within five (5) days of the date of this Order, Defendant shall provide the
25 Settlement Administrator with the Aggrieved Employees List, pursuant to the Settlement.

26 9. The Settlement Administrator is directed to mail the individual Aggrieved
27 Employee payments and Notice of PAGA Settlement to the Aggrieved Employees within thirty
28 (30) days after the Settlement is fully funded, pursuant to the terms of the Settlement.

1 10. The Court hereby approves Bay Area Legal Aid as the *cy pres* beneficiary
2 pursuant to Code of Civil Procedure § 384(b).

3 11. The Court finds that attorneys' fees in the amount of one-third of the PAGA GSA
4 (\$45,000.00) is fair under both the lodestar and percentage-of-the-recovery methods. The Court
5 further finds that the requested litigation costs of \$7,086.84 are relevant to the litigation and
6 reasonable in amount. The Court hereby orders the Settlement Administrator to distribute these
7 payments to Plaintiff's counsel as provided for in the Settlement.

8 12. The Court orders that the Settlement Administrator shall be paid \$2,450.00 for all
9 of its work done and to be done until the completion of this matter, and finds that sum appropriate.

10 13. The Court finds that a Service Award of \$500.00 to Plaintiff is fair, adequate, and
11 reasonable in recognition of the contributions he has made and the risks he undertook on behalf
12 of the Aggrieved Employees and the State of California, and orders that the Settlement
13 Administrator distribute this payment to Plaintiff as provided for in the Settlement.

14 14. The Court finds that the amount of \$59,972.37 to be paid to the California Labor
15 and Workforce Development Agency ("LWDA"), representing 75% of the \$79,963.16 Net
16 Settlement Amount as provided for by the Settlement, is fair, adequate, and reasonable, and orders
17 that payment be made to the LWDA in accordance with the terms of the Settlement Agreement.

18 15. The Court approves the scope of the release as set forth in the Settlement.
19 Following entry of this Order and the Settlement being fully funded, Plaintiff and all Aggrieved
20 Employees will have released all of the Released Claims against the Released Parties, as those
21 terms are defined in the Settlement. The release of the Released Claims shall extend for the
22 duration of the PAGA Period. No individual claims for wages are released under the Settlement.

23 16. Without affecting the finality of this Order in any way, the Court retains
24 jurisdiction to enforce the terms of the Settlement. The Court shall retain exclusive and
25 continuing jurisdiction over this Action, over all Parties, and the Aggrieved Employees to
26 interpret and enforce the terms, conditions, and obligations of the Settlement.

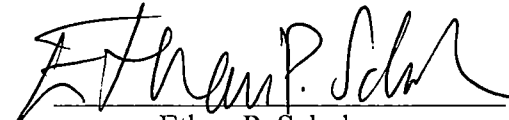
27 17. A Status Conference is set for October 11, 2024 at 9:00 a.m. A status report,
28 accompanied by an admissible evidentiary declaration, must be filed no later than five court days

1 prior to the Status Conference. The status report shall state how many Aggrieved Employees
2 cashed their checks, the number of uncashed checks, and the total amount of residual funds.

3 18. Plaintiff shall submit a copy of this Order to the LWDA within 10 days after
4 entry pursuant to Labor Code § 2699(d)(3).

5 IT IS SO ORDERED.

6 Dated: Feb. 28, 2024
7


8 Ethan P. Schulman
9 Judge of the Superior Court
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On February 28, 2024, I electronically served ORDER GRANTING APPROVAL OF SETTLEMENT OF CLAIMS BROUGHT UNDER THE PRIVATE ATTORNEYS GENERAL ACT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **FEB 28 2024**

Brandon E. Riley, Court Executive Officer

By: 
Felicia Green, Deputy Clerk