

FILED
Superior Court of California
County of Sacramento
05/23/2025
V. Aleman, Deputy

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aggrieved employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

CHRISTOPHER WEISS, individually and on
behalf of all other aggrieved employees,

Plaintiff,

vs.

VICTORY AUTOMOTIVE GROUP, INC., a
Michigan corporation; VICTORY
AUTOMOTIVE GROUP, LLC, a Florida
limited liability company; and CAPPO
MANAGEMENT XXIX, INC. dba
HARROLD FORD, a California corporation;
and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 34-2023-00332507

[Assigned for all purposes to the Hon. Lauri
Damrell, Dept 22]

~~PROPOSED~~ **FINAL ORDER AND
JUDGMENT**

Date: May 9, 2025
Time: 9:00 a.m.
Dept.: 22

Action Filed: January 4, 2023
Trial Date: None Set

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~~PROPOSED~~ ORDER

Plaintiff Christopher Weiss’s (“Plaintiff”) Motion for Approval of PAGA Settlement came on regularly for hearing on May 9, 2025, the Honorable Lauri Damrell presiding. Having reviewed Plaintiff’s motion, the Declarations of Deanna S. Leifer and Christopher Weiss, and exhibits thereto, including the Stipulation of Representative Action Settlement (“Stipulation”), and good cause appearing therefore, the Court hereby finds and orders as follows:

1. The Court, for purposes of this Final Order and Judgment, adopts all defined terms as set forth in the Stipulation filed in this Action.

2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the Aggrieved Employees, and defendants Victory Automotive Group, Inc., Victory Automotive Group, LLC, and Cappo Management XXIX dba Harrold Ford (collectively, “Defendants”). The Aggrieved Employees consist of Plaintiff and all current and former non-exempt employees of Defendants in California at any time during the time period from October 31, 2021 to August 31, 2022, with respect to which Plaintiff alleges that Defendants violated various sections of the Labor Code.

3. This Final Order and Judgment shall be binding on all Aggrieved Employees and the Labor and Workforce Development Agency (“LWDA”), who are hereby barred by the doctrine of res judicata from re-litigating the Released Claims, as defined below. *See Arias v. Superior Court* (2009) 46 Cal.4th 969, 986 (holding that a judgment in a representative action brought by an aggrieved employee under PAGA is binding not only on the named employee plaintiff but also on state labor law enforcement agencies and any aggrieved employee not a party to the proceeding).

4. Pursuant to the California Private Attorneys General Act of 2004 (“PAGA”), Labor Code section 2699 *et seq.*, the Court approves the Settlement and finds that it is fair and reasonable and furthers PAGA’s objectives. The Court finds that notice of the Settlement has been provided to the LWDA, as required by Labor Code § 2699(1)(2).

5. Upon Defendants providing the Settlement Fund to the Settlement Administrator, all Aggrieved Employees shall be deemed to have released the Released Parties of any and all

1 claims and/or causes of action under PAGA which are based upon the factual allegations set forth
2 in the operative complaint and/or Plaintiff's PAGA notice to the LWDA and arising at any time
3 during the PAGA Period. The scope of the Aggrieved Employees' Released Claims is intended
4 to encompass any and all claims for statutory penalties that could have been sought by the Labor
5 Commissioner for the alleged violations identified in Plaintiff's operative complaint and/or pre-
6 filing notice to the LWDA.

7 6. The Court finds the Settlement Fund, the PAGA Fund, and the methodology used
8 to calculate and pay each Aggrieved Employee's Individual Settlement Payment are fair and
9 reasonable, and authorizes the Settlement Administrator to pay the Individual Settlement
10 Payments to Aggrieved Employees in accordance with the terms of the Stipulation. The Court
11 also authorizes the Settlement Administrator to make the PAGA payment to the LWDA.

12 7. The Court finds that Plaintiff's Counsel's request for attorneys' fees in the amount
13 of \$75,000.00, which is one-third of the Settlement Fund, is reasonable under the lodestar method
14 and as a percentage of the common fund. The Court finds that the number of hours Plaintiff's
15 Counsel spent prosecuting this Action is reasonable and Plaintiff's Counsel's hourly rates are
16 reasonable and in line with rates prevailing in the community. The Court awards Plaintiff's
17 Counsel \$75,000.00 in attorneys' fees to be paid from the Settlement Fund.

18 8. The Court finds that Plaintiff's Counsel has incurred ^{\$18,701.20}~~\$18,825.74~~ in costs and
19 expenses. Such costs and expenses were reasonably incurred in prosecuting this Action on behalf
20 of the Aggrieved Employees. The Court awards Plaintiff's Counsel ^{\$18,701.20}~~\$18,825.74~~ in costs and
21 expenses to be paid from the Settlement Fund.

22 9. The Court hereby approves an Incentive Award in the amount of \$10,000.00 to
23 Plaintiff for his service as PAGA representative, to be paid from the Settlement Fund.

24 10. The Court approves Settlement Administration Costs in the amount of \$3,700.00,
25 to be paid from the Settlement Fund.

26 11. This Judgment is intended to be a final disposition of the Action and is intended to
27 be immediately appealable.
28

12. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the settlement, and any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto.

13. The Parties are to provide a final report and accounting by January 2, 2026.
A non-appearance case review hearing regarding submission of the final report is set for
January 16, 2026 at 10:30 am

14. The Court directs that a judgment shall be entered in accordance with the terms of this Order.

IT IS SO ORDERED.

DATED: 05/23/2025



HON. LAURI DAMRELL
JUDGE OF THE SUPERIOR COURT