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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

NOV 15 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

EFREN LOPEZ, individually and on
 behalf of all others of the public similarly
 situated

Plaintiff,

v.

THE FISHEL COMPANY, a business
 entity, form unknown; and DOES 1 to
 50, inclusive,

Defendants.

Case No.: 30-2023-01305726-CU-OE-CXC
 Hon. Lon F. Hurwitz
 Dept. CX-103

**[PROPOSED] ORDER GRANTING
 APPROVAL OF PAGA SETTLEMENT**

Filed: 02/03/2023
 Dept: CX103
 Judge: Hon. Lon Hurwitz

Motion:

Date: November 8, 2024
 Time: 1:30 p.m.
 Dept: CX 103

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF
 SETTLEMENT**

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 The Joint Motion for Final Approval of Settlement Pursuant to the Private Attorneys
3 General Act of 2004 came on for hearing on November 8, 2024, at 1:30 p.m. before this Court
4 in Department CX103, the Honorable Lon Hurwitz presiding. After considering the Joint
5 Motion filed by the parties, the argument of counsel at the hearing, and good cause appearing
6 therefor, the Court HEREBY ORDERS THE FOLLOWING:

7 1. All terms used herein shall have the same meaning as defined in the PAGA
8 SETTLEMENT AGREEMENT (the "Settlement")(ROA No. 68, Ex. E).

9 2. Pursuant to the California Labor Code Private Attorneys General Act ("PAGA"),
10 Cal. Lab. Code §§ 2699(1)(2), (1)(4), the Labor Workforce and Development Agency
11 ("LWDA") has been given notice of the Settlement. Notice was given on October 4, 2024

12 3. The PAGA Period is defined as the time period from January 20, 2022, to July 6,
13 2024.

14 4. The Court confirms approval of the Settlement as to the following group of
15 individuals, collectively referred to as the "Aggrieved Employees": All current and former non-
16 exempt employees whom Defendant The Fishel Company ("Fishel") employed in the State of
17 California in the PAGA Period.

18 5. The Court has jurisdiction over the subject matter of this litigation, over all
19 Aggrieved Employees, and over those persons and entities undertaking affirmative obligations
20 under the Settlement.

21 6. The Settlement is approved under *Cal. Labor Code* §2699(1)(2). Pursuant to
22 Labor Code § 2699(1)(2), the Court has reviewed the Parties' PAGA settlement and finds the
23 settlement is fair, adequate and reasonable.

24 7. This Order approves and incorporates by reference the terms and conditions of
25 the Settlement Agreement, and directs implementation of all remaining terms, conditions, and
26 provisions of the Settlement Agreement.

27
28 [~~PROPOSED~~] ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF
SETTLEMENT

8. The Notice of PAGA Settlement and Release of Claims (ROA No. 68, Ex. E).fairly and adequately describes the Action, the approved Settlement, and the Court approves the Notice as to form and content.

9. The Court approves the release of claims as indicated in the Settlement (ROA No. 68, Ex. E).

10. The Gross Settlement Amount, Net Settlement Amount, and the methodology used to calculate each Aggrieved Employee's Individual PAGA Payment, in accordance with the Settlement is approved under Cal. Lab. Code § 2699(1)(2).

11. The Court awards ILYM, the Administrator, in this Action its fees and costs in the amount of five thousand three hundred dollars (\$5,300.00) to be paid from the Gross Settlement Amount.

12. The Court awards Plaintiff Efen Lopez, a five-thousand dollar (\$5,000.00) enhancement award to be paid from the Gross Settlement Amount.

13. The Court approves the allocations and payment of Two Hundred Thousand Dollars (\$200,000.00) for the compromise of claims brought under PAGA, to be paid in accordance with the terms of the Settlement.

14. Under the terms of the Settlement, 75% of the Net Settlement Amount will be paid to the State of California Labor Workforce Development Agency (“LWDA Payment”); the remaining amount of the Net Settlement Amount shall be distributed to the Aggrieved Employees in accordance with the terms of the Settlement.

15. Checks for Aggrieved Employee Individual PAGA Payments sent to Aggrieved Employees shall be valid for 180 days after issuance. Funds remaining from any checks for any Aggrieved Employee Individual PAGA Payments uncashed after 180 days will be disbursed to the California State Controllers' Office Unclaimed Property Fund.

16. The Court approves reasonable attorneys' fees in the amount of sixty-six thousand six hundred sixty-six dollars and sixty-seven cents (\$66,666.67) to Plaintiff's counsel in the Action.

~~[PROPOSED]~~ ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF SETTLEMENT

1 17. The Court approves reasonable costs in the amount of twenty one thousand three
2 hundred ninety five dollars (\$21,395.00) to Plaintiff's counsel in the Action.

3 18. The Court retains exclusive and continuing jurisdiction over this Action under
4 California Code of Civil Procedure Section 664.6 and California Rule of Court rule 3.769(h) for
5 the purposes of supervising, administering, implementing, interpreting, and enforcing this
6 Order, as well as the Settlement.

7 19. The Settlement Agreement is not an admission by Defendant, nor is this order a
8 finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this order,
9 the Settlement Agreement, nor any document referred to herein, nor any action taken to carry
10 out the Settlement Agreement, may be construed as, or may be used as, an admission of any
11 fault, wrongdoing, omission, concession, or liability whatsoever by or against Defendant.

12 20. Plaintiff is directed to submit a copy of this Order to the LWDA within 10 days
13 of the date of this Order.

14 21. A final accounting hearing shall be held on June 10, 2025 at 1:30 p.m. in
15 Department CX103 of the Orange County Superior Court, Central Justice Center, Complex
16 Civil Panel, 751 W. Santa Ana Blvd. Santa Ana CA 92701, with a final distribution report to
17 be filed at least nine (9) Court days in advance.

18
19 **IT IS SO ORDERED.**

20 Date: NOV 15 2024



HON. LON HURWITZ
Judge of the Superior Court

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SETTLEMENT