

5/12/2025 10:37:03 AM

Clerk of the Superior Court
By T. Automation , Deputy Clerk

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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

KODY HORBURG *et al.*

Plaintiff,

vs.

PACIFICA COMPANIES, LLC *et al.*

Defendants.

Lead Case No. 37-2023-00002433-CU-OE-CTL
[Consolidated with Case No. 37-2023-00020893-
CU-OE-CTL]

Hon. Wendy M. Behan
Dept. 66

**Notice of Entry of Order Granting PAGA
Approval and Entering Judgment**

Action Filed: January 19, 2023

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
2 TAKE NOTICE THAT:

3 1. On April 17, 2025, the Court entered the Order and Judgment Granting PAGA
4 Approval and Entering Judgment attached hereto as Exhibit 1.

5 2. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

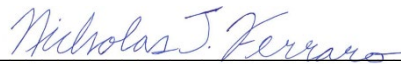
6 3. A conformed copy of this Notice will be submitted to the LWDA via its online
7 electronic portal in accordance with Labor Code § 2699(s)(3).

8 4. Notice of the Court's final ruling and entry of judgment is hereby provided.
9

10 Respectfully submitted,

11 Dated: May 12, 2025

Ferraro Vega Employment Lawyers, Inc.

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14 Nicholas J. Ferraro

15 *Attorneys for Plaintiff Kody Hornburg*
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EXHIBIT 1

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
4/17/2025 9:52:50 AM

Clerk of the Superior Court
By M. Guyot ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

KODY HORNBURG *et al.*

Plaintiffs,

vs.

PACIFICA COMPANIES, LLC *et al.*

Defendants.

Case No. 37-2023-00002433-CU-OE-CTL
[Consolidated with Case No. 37-2023-00020893-
CU-OE-CTL]

**[PROPOSED] ORDER AND JUDGMENT
FOLLOWING APPROVAL OF PAGA
SETTLEMENT**

Hon. Wendy H. Behan
Dept. 66

Action Filed: January 19, 2023

1 On February 28, 2025, this Court **GRANTED** the Parties' Motion Requesting PAGA
2 Settlement Approval pursuant to California Labor Code section 2699(s)(2).

3 **NOW, THEREFORE, THE COURT HEREBY ORDERS AS FOLLOWS:** Consistent
4 with the terms of the Settlement Agreement, after the attorneys' fees, individual representative service
5 payment, costs, and administrator's expenses are deducted from the Gross Settlement Amount of
6 \$333,334.00, the Net Settlement Amount is \$186,279.08, of which 75% (\$139,709.31) shall be
7 distributed to the LWDA and the remaining 25% (\$46,569.77) shall be distributed to the aggrieved
8 employees as their share of PAGA penalties.

9 Accordingly, the \$333,334 gross settlement shall be distributed as follows:

- 10 1. \$139,709.31 to the Labor and Workforce Development Agency for PAGA penalties
- 11 2. \$46,569.77 to the PAGA Employees
- 12 3. \$10,000 to Plaintiff Lally as an enhancement payment
- 13 4. \$111,100.22 to Plaintiffs' counsel for attorneys' fees
- 14 5. \$18,454.70 to Plaintiffs' counsel for costs
- 15 6. \$7,500 to the Settlement Administrator

16 Plaintiffs, Defendants, and the Settlement Administrator are ordered to carry out the terms of
17 the settlement in accordance with the Settlement Agreement.

18 **JUDGMENT**

19 Judgment shall be entered through the filing of this order and judgment. Cal. Code Civ. Proc.
20 § 668.5. Plaintiffs shall take from the Complaint only the relief set forth in the Settlement Agreement
21 and this Order and judgment. The Court retains jurisdiction over the parties to enforce the terms of
22 the Settlement Agreement and the final order and judgment.

23 **IT IS SO ORDERED**

24 4/17/25



Hon. Wendy H. Behan
Judge of the Superior Court

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE

TENTATIVE RULINGS - February 13, 2025

HEARING DATE: HEARING TIME: DEPT.:

JUDICIAL OFFICER:

CASE NO.:37-2023-00002433-CU-OE-CTL

CASE TITLE: Hornburg vs Pacifica Companies LLC [E-FILE]

CASE TYPE: (U)Other Employment

HEARING TYPE:

Plaintiff's Motion for Approval of PAGA Settlement is GRANTED. The Court has independently determined that the settlement is fair, reasonable and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws. In making this determination, the Court has reviewed the moving papers and declarations of counsel Nicholas Ferraro. The Court has also considered the Comments by the LWDA as well as objections by Rogers. The Court does not find that the comments and opposition provide a sufficient basis for the Court to find that the settlement should not be approved.